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DURING THE

FIRST SESSION OF THE THIRTY-NINTH CONGRESS,

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IN SIXTEEN VOLUMES.

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MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

AND

ACCOMPANYING DOCUMENTS,

TO THE

TWO HOUSES OF CONGRESS,

AT

THE COMMENCEMENT OF THE FIRST SESSION

OF

THE THIRTY-NINTH CONGRESS.

PART I.

WASHINGTON:
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1866.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

TO THE

TWO HOUSES OF CONGRESS

AT THE

COMMENCEMENT OF THE FIRST SESSION OF THE THIRTY-NINTH CONGRESS.

Fellow-citizens of the Senate and House of Representatives:

To express gratitude to God, in the name of the people, for the preservation of the United States, is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of parricidal treason. The grief of the nation is still fresh; it finds some solace in the consideration that he lived to enjoy the highest proof of its confidence by entering on the renewed term of the chief magistracy to which he had been elected; that he brought the civil war substantially to a close; that his loss was deplored in all parts of the Union; and that foreign nations have rendered justice to his memory. His removal cast upon me a heavier weight of cares than ever devolved upon any one of his predecessors. To fulfil my trust I need the support and confidence of all who are associated with me in the various departments of government, and the support and confidence of the people. There is but one way in which I can hope to gain their necessary aid: it is, to state with frankness the principles which guide my conduct, and their application to the present state of affairs, well aware that the efficiency of my labors will, in a great measure, depend on your and their undivided approbation.

The union of the United States of America was intended by its authors to last as long as the States themselves shall last. "The Union shall be perpetual," are the words of the confederation. "To form a more perfect Union," by an ordinance of the people of the United Sates, is the declared purpose of the Constitution. The hand of Divine Providence was never more plainly visible in the affairs of men than in the framing and the adopting of that instrument. It is, beyond comparison, the greatest event in American history; and indeed is it not, of all events in modern times, the most pregnant with consequences for every people of the earth? The members of the convention which prepared

it, brought to their work the experience of the confederation, of their several States, and of other republican governments, old and new; but they needed and they obtained a wisdom superior to experience. And when, for its validity, it required the approval of a people that occupied a large part of a continent, and acted separately in many distinct conventions, what is more wonderful than that, after earnest contention and long discussion, all feelings and all opinions were ultimately drawn in one way to its support? The Constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has power to enforce the laws, punish treason, and insure domestic tranquillity. In case of the usurpation of the government of a State by one man, or an oligarchy, it becomes a duty of the United States to make good the guarantee to that State of a republican form of government, and so to maintain the homogeneousness of all. Does the lapse of time reveal defects? A simple mode of amendment is provided in the Constitution itself, so that its conditions can always be made to conform to the requirements of advancing civilization. No room is allowed even for the thought of a possibility of its coming to an end. And these powers of self-preservation have always been asserted in their complete integrity by every patriotic Chief Magistrate—by Jefferson and Jackson, not less than by Washington and Madison. The parting advice of the Father of his Country, while yet President, to the people of the United States, was, that "the free Constitution, which was the work of their hands, might be sacredly maintained;" and the inaugural words of President Jefferson held up "the preservation of the general government, in its constitutional vigor, as the sheet anchor of our peace at home and safety abroad." The Constitution is the work of "the people of the United States," and it should be as indestructible as the people.

It is not strange that the framers of the Constitution, which had no model in the past, should not have fully comprehended the excellence of their own work. Fresh from a struggle against arbitrary power, many patriots suffered from harassing fears of an absorption of the State governments by the general government, and many from a dread that the States would break away from their orbits. But the very greatness of our country should allay the apprehension of encroachments by the general government. The subjects that come unquestionably within its jurisdiction are so numerous that it must ever naturally refuse to be embarrassed by questions that lie beyond it. Were it otherwise, the Executive would sink beneath the burden, the channels of justice would be choked, legislation would be obstructed by excess; so that there is a greater temptation to exercise some of the functions of the general government through the States than to trespass on their rightful sphere. "The absolute acquiescence in the decisions of the majority" was at the beginning of the century enforced by Jefferson "as the vital principle of republics;" and the events of the last four years have established, we will hope forever, that there lies no appeal to force.

The maintenance of the Union brings with it "the support of the State governments in all their rights;" but it is not one of the rights of any State govern-

ment to renounce its own place in the Union, or to nullify the laws of the Union. The largest liberty is to be maintained in the discussion of the acts of the federal government; but there is no appeal from its laws, except to the various branches of that government itself, or to the people, who grant to the members of the legislative and of the executive departments no tenure but a limited one, and in that manner always retain the powers of redress.

"The sovereignty of the States" is the language of the confederacy, and not the language of the Constitution. The latter contains the emphatic words, "The Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

Certainly the government of the United States is a limited government; and so is every State government a limited government. With us this idea of limitation spreads through every form of administration, general, State, and municipal, and rests on the great distinguishing principle of the recognition of the rights of man. The ancient republics absorbed the individual in the State, prescribed his religion, and controlled his activity. The American system rests on the assertion of the equal right of every man to life, liberty, and the pursuit of happiness; to freedom of conscience; to the culture and exercise of all his faculties. As a consequence the State government is limited, as to the general government in the interest of union, as to the individual citizen in the interest of freedom.

States, with proper limitations of power, are essential to the existence of the Constitution of the United States. At the very commencement, when we assumed a place among the powers of the earth, the Declaration of Independence was adopted by States; so also were the articles of confederation; and when "the people of the United States" ordained and established the Constitution, it was the assent of the States, one by one, which gave it vitality. In the event, too, of any amendment to the Constitution, the proposition of Congress needs the confirmation of States. Without States, one great branch of the legislative government would be wanting. And if we look beyond the letter of the Constitution to the character of our country, its capacity for comprehending within its jurisdiction a vast continental empire is due to the system of States. The best security for the perpetual existence of the States is the "supreme authority" of the Constitution of the United States. The perpetuity of the Constitution brings with it the perpetuity of the States; their mutual relation makes us what we are, and in our political system their connexion is indissoluble. The whole cannot exist without the parts, nor the parts without the whole. So long as the Constitution of the United States endures, the States will endure; the destruction of the one is the destruction of the other; the preservation of the one is the preservation of the other.

I have thus explained my views of the mutual relations of the Constitution and the States because they unfold the principles on which I have sought to

solve the momentous questions and overcome the appalling difficulties that met me at the very commencement of my administration. It has been my steadfast object to escape from the sway of momentary passions, and to derive a healing policy from the fundamental and unchanging principles of the Constitution.

I found the States suffering from the effects of a civil war. Resistance to the general government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals, and their armies were in the occupation of every State which had attempted to secede. Whether the territory within the limits of those States should be held as conquered territory, under military authority emanating from the President as the head of the army, was the first question that presented itself for decision.

Now, military governments, established for an indefinite period, would have offered no security for the early suppression of discontent, would have divided the people into the vanquishers and the vanquished, and would have envenomed hatred rather than have restored affection. Once established, no precise limit to their continuance was conceivable. They would have occasioned an incalculable and exhausting expense. Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony, and that emigration would have been prevented; for what emigrant from abroad—what industrious citizen at home—would place himself willingly under military rule? The chief persons who would have followed in the train of the army would have been dependents on the general government, or men who expected profit from the miseries of their erring fellow-citizens. The powers of patronage and rule which would have been exercised, under the President, over a vast, and populous, and naturally wealthy region, are greater than, unless under extreme necessity, I should be willing to intrust to any one man: they are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise. The wilful use of such powers, if continued through a period of years, would have endangered the purity of the general administration and the liberties of the States which remained loyal.

Besides, the policy of military rule over a conquered territory would have implied that the States whose inhabitants may have taken part in the rebellion had, by the act of those inhabitants, ceased to exist. But the true theory is, that all pretended acts of secession were, from the beginning, null and void. The States cannot commit treason, nor screen the individual citizens who may have committed treason, any more than they can make valid treaties or engage in lawful commerce with any foreign power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished—their functions suspended, but not destroyed.

But if any State neglects or refuses to perform its offices, there is the more need that the general government should maintain all its authority, and, as soon as practicable, resume the exercise of all its functions. On this principle I have acted, and have gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the general government and of the States. To that end, provisional governors have been appointed for the States, conventions

called, governors elected, legislatures assembled, and senators and representatives chosen to the Congress of the United States. At the same time, the courts of the United States, as far as could be done, have been reopened, so that the laws of the United States may be enforced through their agency. The blockade has been removed and the custom-houses re-established in ports of entry, so that the revenue of the United States may be collected. The Post Office Department renews its ceaseless activity, and the general government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invite the restoration of industry and commerce; the post office renews the facilities of social intercourse and of business. And is it not happy for us all, that the restoration of each one of these functions of the general government brings with it a blessing to the States over which they are extended? Is it not a sure promise of harmony and renewed attachment to the Union, that, after all that has happened, the return of the general government is known only as a beneficence?

I know very well that this policy is attended with some risk; that for its success it requires at least the acquiescence of the States which it concerns; that it implies an invitation to those States, by renewing their allegiance to the United States, to resume their functions as States of the Union. But it is a risk that must be taken; in the choice of difficulties it is the smallest risk; and to diminish, and, if possible, to remove all danger, I have felt it incumbent on me to assert one other power of the general government—the power of pardon. As no State can throw a defence over the crime of treason, the power of pardon is exclusively vested in the executive government of the United States. In exercising that power, I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States, and an unqualified acknowledgment of the great social change of condition in regard to slavery which has grown out of the war.

The next step which I have taken to restore the constitutional relations of the States has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions, and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not too much to ask, in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion; and that, on the other, the evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country. So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population, and capital, and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States which are now resuming their places in

the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption. It heals the wound that is still imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

The amendment to the Constitution being adopted, it would remain for the States, whose powers have been so long in abeyance, to resume their places in the two branches of the national legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens of the Senate, and for you, fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the elections, returns, and qualifications of your own members.

The full assertion of the powers of the general government requires the holding of circuit courts of the United States within the districts where their authority has been interrupted. In the present posture of our public affairs, strong objections have been urged to holding those courts in any of the States where the rebellion has existed; and it was ascertained, by inquiry, that the circuit court of the United States would not be held within the district of Virginia during the autumn or early winter, nor until Congress should have "an opportunity to consider and act on the whole subject." To your deliberations the restoration of this branch of the civil authority of the United States is, therefore, necessarily referred, with the hope that early provision will be made for the resumption of all its functions. It is manifest that treason, most flagrant in character, has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated; the truth clearly established and affirmed that treason is a crime; that traitors should be punished and the offence made infamous; and, at the same time, that the question may be judicially settled, finally and forever, that no State, of its own will, has the right to renounce its place in the Union.

The relations of the general government towards the four millions of inhabitants whom the war has called into freedom have engaged my most serious consideration. On the propriety of attempting to make the freedmen electors by the proclamation of the Executive, I took for my counsel the Constitution itself, the interpretations of that instrument by its authors and their contemporaries, and recent legislation by Congress. When, at the first movement towards independence, the Congress of the United States instructed the several States to institute governments of their own, they left each State to decide for itself the conditions for the enjoyment of the elective franchise. During the period of the confederacy, there continued to exist a very great diversity in the qualifications of electors in the several States; and even within a State a distinction of qualifications prevailed with regard to the officers who were to be chosen. The Constitution of the United States recognizes these diversities when it enjoins that, in the choice of members of the House of Representatives

of the United States, "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." After the formation of the Constitution, it remained, as before, the uniform usage for each State to enlarge the body of its electors, according to its own judgment; and, under this system, one State after another has proceeded to increase the number of its electors, until now universal suffrage, or something very near it, is the general rule. So fixed was this reservation of power in the habits of the people, and so unquestioned has been the interpretation of the Constitution, that during the civil war the late President never harbored the purpose—certainly never avowed the purpose—of disregarding it; and in the acts of Congress, during that period, nothing can be found which, during the continuance of hostilities, much less after their close, would have sanctioned any departure by the Executive from a policy which has so uniformly obtained. Moreover, a concession of the elective franchise to the freedmen, by act of the President of the United States, must have been extended to all colored men, wherever found, and so must have established a change of suffrage in the northern, middle and western States, not less than in the southern and southwestern. Such an act would have created a new class of voters, and would have been an assumption of power by the President which nothing in the Constitution or laws of the United States would have warranted.

On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several States. They can, each for itself, decide on the measure, and whether it is to be adopted at once and absolutely, or introduced gradually and with conditions. In my judgment, the freedmen, if they show patience and manly virtues, will sooner obtain a participation in the elective franchise through the States than through the general government, even if it had power to intervene. When the tumult of emotions that have been raised by the suddenness of the social change shall have subsided, it may prove that they will receive the kindest usage from some of those on whom they have heretofore most closely depended.

But while I have no doubt that now, after the close of the war, it is not competent for the general government to extend the elective franchise in the several States, it is equally clear that good faith requires the security of the freedmen in their liberty and their property, their right to labor, and their right to claim the just return of their labor. I cannot too strongly urge a dispassionate treatment of this subject, which should be carefully kept aloof from all party strife. We must equally avoid hasty assumptions of any natural impossibility for the two races to live side by side, in a state of mutual benefit and good will. The experiment involves us in no inconsistency; let us, then, go on and make that experiment in good faith, and not be too easily disheartened. The country is in need of labor, and the freedmen are in need of employment, culture, and protection. While their right of voluntary migration and expatriation is not to be questioned, I would not advise their forced removal and colonization. Let us rather encourage them to honorable and useful industry, where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the

experiment. The change in their condition is the substitution of labor by contract for the status of slavery. The freedman cannot fairly be accused of unwillingness to work, so long as a doubt remains about his freedom of choice in his pursuits, and the certainty of his recovering his stipulated wages. In this, the interests of the employer and the employed coincide. The employer desires in his workmen spirit and alacrity, and these can be permanently secured in no other way. And if the one ought to be able to enforce the contract, so ought the other. The public interest will be best promoted if the several States will provide adequate protection and remedies for the freedmen. Until this is in some way accomplished, there is no chance for the advantageous use of their labor, and the blame of ill success will not rest on them.

I know that sincere philanthropy is earnest for the immediate realization of its remotest aims; but time is always an element in reform. It is one of the greatest acts on record to have brought four millions of people into freedom. The career of free industry must be fairly opened to them, and then their future prosperity and condition must, after all, rest mainly on themselves. If they fail, and so perish away, let us be careful that the failure shall not be attributable to any denial of justice. In all that relates to the destiny of the freedmen, we need not be too anxious to read the future; many incidents which, from a speculative point of view, might raise alarm will quietly settle themselves. Now that slavery is at an end, or near its end, the greatness of its evil in the point of view of public economy becomes more and more apparent. Slavery was essentially a monopoly of labor, and as such locked the States where it prevailed against the incoming of free industry. Where labor was the property of the capitalist the white man was excluded from employment, or had but the second best chance of finding it; and the foreign emigrant turned away from the region where his condition would be so precarious. With the destruction of the monopoly free labor will hasten from all parts of the civilized world to assist in developing various and immeasurable resources which have hitherto lain dormant. The eight or nine States nearest the Gulf of Mexico have a soil of exuberant fertility, a climate friendly to long life, and can sustain a denser population than is found as yet in any part of our country. And the future influx of population to them will be mainly from the north, or from the most cultivated nations in Europe. From the sufferings that have attended them during our late struggle, let us look away to the future, which is sure to be laden for them with greater prosperity than has ever before been known. The removal of the monopoly of slave labor is a pledge that those regions will be peopled by a numerous and enterprising population, which will vie with any in the Union in compactness, inventive genius, wealth, and industry.

Our government springs from and was made for the people—not the people for the government. To them it owes allegiance; from them it must derive its courage, strength, and wisdom. But while the government is thus bound to defer to the people, from whom it derives its existence, it should, from the very consideration of its origin, be strong in its power of resistance to the establishment of inequalities. Monopolies, perpetuities, and class legislation are

contrary to the genius of free government, and ought not to be allowed. Here there is no room for favored classes or monopolies; the principle of our government is that of equal laws and freedom of industry. Wherever monopoly attains a foothold it is sure to be a source of danger, discord, and trouble. We shall but fulfil our duties as legislators by according "equal and exact justice to all men," special privileges to none. The government is subordinate to the people; but, as the agent and representative of the people, it must be held superior to monopolies, which, in themselves, ought never to be granted, and which, where they exist, must be subordinate and yield to the government.

The Constitution confers on Congress the right to regulate commerce among the several States. It is of the first necessity, for the maintenance of the Union, that that commerce should be free and unobstructed. No State can be justified in any device to tax the transit of travel and commerce between States. The position of many States is such that, if they were allowed to take advantage of it for purposes of local revenue, the commerce between States might be injuriously burdened, or even virtually prohibited. It is best, while the country is still young, and while the tendency to dangerous monopolies of this kind is still feeble, to use the power of Congress so as to prevent any selfish impediment to the free circulation of men and merchandise. A tax on travel and merchandise in their transit constitutes one of the worst forms of monopoly, and the evil is increased if coupled with a denial of the choice of route. When the vast extent of our country is considered, it is plain that every obstacle to the free circulation of commerce between the States ought to be sternly guarded against by appropriate legislation within the limits of the Constitution.

The report of the Secretary of the Interior explains the condition of the public lands, the transactions of the Patent Office and the Pension Bureau, the management of our Indian affairs, the progress made in the construction of the Pacific railroad, and furnishes information in reference to matters of local interest in the District of Columbia. It also presents evidence of the successful operation of the homestead act, under the provisions of which 1,160,533 acres of the public lands were entered during the last fiscal year—more than one-fourth of the whole number of acres sold or otherwise disposed of during that period. It is estimated that the receipts derived from this source are sufficient to cover the expenses incident to the survey and disposal of the lands entered under this act, and that payments in cash to the extent of from forty to fifty per cent. will be made by settlers, who may thus at any time acquire title before the expiration of the period at which it would otherwise vest. The homestead policy was established only after long and earnest resistance; experience proves its wisdom. The lands, in the hands of industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers.

The lamentable events of the last four years, and the sacrifices made by the gallant men of our army and navy, have swelled the records of the Pension Bureau to an unprecedented extent. On the 30th day of June last the total number of pensioners was 85,986, requiring for their annual pay, exclusive of

expenses, the sum of $8,023,445. The number of applications that have been allowed since that date will require a large increase of this amount for the next fiscal year. The means for the payment of the stipends due, under existing laws, to our disabled soldiers and sailors, and to the families of such as have perished in the service of the country, will no doubt be cheerfully and promptly granted. A grateful people will not hesitate to sanction any measures having for their object the relief of soldiers mutilated and families made fatherless in the efforts to preserve our national existence.

The report of the Postmaster General presents an encouraging exhibit of the operations of the Post Office Department during the year. The revenues of the past year, from the loyal States alone, exceeded the maximum annual receipts from all the States previous to the rebellion, in the sum of $6,038,091; and the annual average increase of revenue during the last four years, compared with the revenues of the four years immediately preceding the rebellion, was $3,533,845. The revenues of the last fiscal year amounted to $14,556,158, and the expenditures to $13,694,728, leaving a surplus of receipts over expenditures of $861,430. Progress has been made in restoring the postal service in the southern States. The views presented by the Postmaster General against the policy of granting subsidies to ocean mail steamship lines upon established routes, and in favor of continuing the present system, which limits the compensation for ocean service to the postage earnings, are recommended to the careful consideration of Congress.

It appears from the report of the Secretary of the Navy that while at the commencement of the present year there were in commission 530 vessels of all classes and descriptions, armed with 3,000 guns, and manned by 51,000 men, the number of vessels at present in commission is 117, with 830 guns and 12,128 men. By this prompt reduction of the naval forces the expenses of the government have been largely diminished, and a number of vessels, purchased for naval purposes from the merchant marine, have been returned to the peaceful pursuits of commerce. Since the suppression of active hostilities our foreign squadrons have been re-established, and consist of vessels much more efficient than those employed on similar service previous to the rebellion. The suggestion for the enlargement of the navy yards, and especially for the establishment of one in fresh water, for iron-clad vessels, is deserving of consideration, as is also the recommendation for a different location and more ample grounds for the Naval Academy.

In the report of the Secretary of War a general summary is given of the military campaigns of 1864 and 1865, ending in the suppression of armed resistance to the national authority in the insurgent States. The operations of the general administrative bureaus of the War Department during the past year are detailed, and an estimate made of the appropriations that will be required for military purposes in the fiscal year commencing the 1st day of July, 1866. The national military force on the 1st of May, 1865, numbered 1,000,516 men. It is proposed to reduce the military establishment to a peace footing, comprehending fifty thousand troops of all arms, organized so as to admit of an en-

largement by filling up the ranks to eighty-two thousand six hundred, if the circumstances of the country should require an augmentation of the army. The volunteer force has already been reduced by the discharge from service of over eight hundred thousand troops, and the department is proceeding rapidly in the work of further reduction. The war estimates are reduced from $516,240,131 to $33,814,461, which amount, in the opinion of the department, is adequate for a peace establishment. The measures of retrenchment in each bureau and branch of the service exhibit a diligent economy worthy of commendation. Reference is also made in the report to the necessity of providing for a uniform militia system, and to the propriety of making suitable provision for wounded and disabled officers and soldiers.

The revenue system of the country is a subject of vital interest to its honor and prosperity, and should command the earnest consideration of Congress. The Secretary of the Treasury will lay before you a full and detailed report of the receipts and disbursements of the last fiscal year, of the first quarter of the present fiscal year, of the probable receipts and expenditures for the other three quarters, and the estimates for the year following the 30th of June, 1866. I might content myself with a reference to that report, in which you will find all the information required for your deliberations and decision, but the paramount importance of the subject so presses itself on my own mind, that I cannot but lay before you my views of the measures which are required for the good character, and, I might almost say, for the existence of this people. The life of a republic lies certainly in the energy, virtue, and intelligence of its citizens; but it is equally true that a good revenue sytem is the life of an organized government. I meet you at a time when the nation has voluntarily burdened itself with a debt unprecedented in our annals. Vast as is its amount, it fades away into nothing when compared with the countless blessings that will be conferred upon our country and upon man by the preservation of the nations' life. Now, on the first occasion of the meeting of Congress since the return of peace, it is of the utmost importance to inaugurate a just policy, which shall at once be put in motion, and which shall commend itself to those who come after us for its continuance. We must aim at nothing less than the complete effacement of the financial evils that necessarily followed a state of civil war. We must endeavor to apply the earliest remedy to the deranged state of the currency, and not shrink from devising a policy which, without being oppressive to the people, shall immediately begin to effect a reduction of the debt, and, if persisted in, discharge it fully within a definitely fixed number of years.

It is our first duty to prepare in earnest for our recovery from the ever-increasing evils of an irredeemable currency without a sudden revulsion, and yet without untimely procrastination. For that end we must each, in our respective positions, prepare the way. I hold it the duty of the executive to insist upon frugality in the expenditures, and a sparing economy is itself a great national resource. Of the banks to which authority has been given to issue notes secured by bonds of the United States, we may require the greatest moderation and prudence, and the law must be rigidly enforced when its limits are exceeded.

We may, each one of us, counsel our active and enterprising countrymen to be constantly on their guard, to liquidate debts contracted in a paper currency, and, by conducting business as nearly as possible on a system of cash payments or short credits, to hold themselves prepared to return to the standard of gold and silver. To aid our fellow-citizens in the prudent management of their monetary affairs, the duty devolves on us to diminish by law the amount of paper money now in circulation. Five years ago the bank-note circulation of the country amounted to not much more than two hundred millions; now, the circulation, bank and national, exceeds seven hundred millions. The simple statement of the fact recommends, more strongly than any words of mine could do, the necessity of our restraining this expansion. The gradual reduction of the currency is the only measure that can save the business of the country from disastrous calamities; and this can be almost imperceptibly accomplished by gradually funding the national circulations in securities that may be made redeemable at the pleasure of the government.

Our debt is doubly secure—first in the actual wealth and still greater undeveloped resources of the country; and next in the character of our institutions. The most intelligent observers among political economists have not failed to remark that the public debt of a country is safe in proportion as its people are free; that the debt of a republic is the safest of all. Our history confirms and establishes the theory, and is, I firmly believe, destined to give it a still more signal illustration. The secret of this superiority springs not merely from the fact that in a republic the national obligations are distributed more widely through countless numbers in all classes of society; it has its root in the character of our laws. Here all men contribute to the public welfare, and bear their fair share of the public burdens. During the war, under the impulses of patriotism, the men of the great body of the people, without regard to their own comparative want of wealth, thronged to our armies and filled our fleets of war, and held themselves ready to offer their lives for the public good. Now, in their turn, the property and income of the country should bear their just proportion of the burden of taxation; while in our impost system, through means of which increased vitality is incidentally imparted to all the industrial interests of the nation, the duties should be so adjusted as to fall most heavily on articles of luxury, leaving the necessaries of life as free from taxation as the absolute wants of the government, economically administered, will justify. No favored class should demand freedom from assessment, and the taxes should be so distributed as not to fall unduly on the poor, but rather on the accumulated wealth of the country. We should look at the national debt just as it is—not as a national blessing, but as a heavy burden on the industry of the country, to be discharged without unnecessary delay.

It is estimated by the Secretary of the Treasury that the expenditures for the fiscal year ending the 30th of June, 1866, will exceed the receipts $112,194,947. It is gratifying, however, to state that it is also estimated that the revenue for the year ending the 30th of June, 1867, will exceed the expenditures in the sum of $111,682,818. This amount, or so much as may be deemed sufficient for the purpose, may be applied to the reduction of the public

debt, which on the 31st day of October, 1865, was $2,740,854,750. Every reduction will diminish the total amount of interest to be paid, and so enlarge the means of still further reductions, until the whole shall be liquidated; and this, as will be seen from the estimates of the Secretary of the Treasury, may be accomplished by annual payments even within a period not exceeding thirty years. I have faith that we shall do all this within a reasonable time; that as we have amazed the world by the suppression of a civil war which was thought to be beyond the control of any government, so we shall equally show the superiority of our institutions by the prompt and faithful discharge of our national obligations.

The Department of Agriculture, under its present direction, is accomplishing much in developing and utilizing the vast agricultural capabilities of the country, and for information respecting the details of its management reference is made to the annual report of the Commissioner.

I have dwelt thus fully on our domestic affairs because of their transcendent importance. Under any circumstances, our great extent of territory and variety of climate, producing almost everything that is necessary for the wants, and even the comforts of man, makes us singularly independent of the varying policy of foreign powers, and protect us against every temptation to "entangling alliances," while at the present moment the re-establishment of harmony, and the strength that comes from harmony, will be our best security against "nations who feel power and forget right." For myself, it has been and it will be my constant aim to promote peace and amity with all foreign nations and powers, and I have every reason to believe that they all, without exception, are animated by the same disposition. Our relations with the Emperor of China, so recent in their origin, are most friendly. Our commerce with his dominions is receiving new developments, and it is very pleasing to find that the government of that great empire manifests satisfaction with our policy, and reposes just confidence in the fairness which marks our intercourse. The unbroken harmony between the United States and the Emperor of Russia is receiving a new support from an enterprise designed to carry telegraphic lines across the continent of Asia, through his dominions, and so to connect us with all Europe by a new channel of intercourse. Our commerce with South America is about to receive encouragement by a direct line of mail steamships to the rising empire of Brazil. The distinguished party of men of science who have recently left our country to make a scientific exploration of the natural history and rivers and mountain ranges of that region, have received from the Emperor that generous welcome which was to have been expected from his constant friendship for the United States, and his well-known zeal in promoting the advancement of knowledge. A hope is entertained that our commerce with the rich and populous countries that border the Mediterranean sea may be largely increased. Nothing will be wanting, on the part of this government, to extend the protection of our flag over the enterprise of our fellow-citizens. We receive from the powers in that region assurances of good-will; and it is worthy of note that a special envoy has brought us messages of condolence on the death of our

late Chief Magistrate from the Bey of Tunis, whose rule includes the old dominions of Carthage, on the African coast.

Our domestic contest, now happily ended, has left some traces in our relations with one at least of the great maritime powers. The formal accordance of belligerent rights to the insurgent States was unprecedented, and has not been justified by the issue. But in the systems of neutrality pursued by the powers which made that concession there was a marked difference. The materials of war for the insurgent States were furnished, in a great measure, from the workshops of Great Britain; and British ships, manned by British subjects, and prepared for receiving British armaments, sallied from the ports of Great Britain to make war on American commerce, under the shelter of a commission from the insurgent States. These ships, having once escaped from British ports, ever afterwards entered them in every part of the world, to refit, and so to renew their depredations. The consequences of this conduct were most disastrous to the States then in rebellion, increasing their desolation and misery by the prolongation of our civil contest. It had, moreover, the effect, to a great extent, to drive the American flag from the sea, and to transfer much of our shipping and our commerce to the very power whose subjects had created the necessity for such a change. These events took place before I was called to the administration of the government. The sincere desire for peace by which I am animated led me to approve the proposal, already made, to submit the question which had thus arisen between the countries to arbitration. These questions are of such moment that they must have commanded the attention of the great powers, and are so interwoven with the peace and interests of every one of them as to have insured an impartial decision. I regret to inform you that Great Britain declined the arbitrament, but, on the other hand, invited us to the formation of a joint commission to settle mutual claims between the two countries, from which those for the depredations before mentioned should be excluded. The proposition, in that very unsatisfactory form, has been declined.

The United States did not present the subject as an impeachment of the good faith of a power which was professing the most friendly dispositions, but as involving questions of public law, of which the settlement is essential to the peace of nations; and though pecuniary reparation to their injured citizens would have followed incidentally, on a decision against Great Britain, such compensation was not their primary object. They had a higher motive, and it was in the interests of peace and justice to establish important principles of international law. The correspondence will be placed before you. The ground on which the British minister rests his justification is, substantially, that the municipal law of a nation, and the domestic interpretations of that law, are the measure of its duty as a neutral, and I feel bound to declare my opinion, before you and before the world, that that justification cannot be sustained before the tribunal of nations. At the same time I do not advise to any present attempt at redress by acts of legislation. For the future, friendship between the two countries must rest on the basis of mutual justice.

From the moment of the establishment of our free Constitution the civilized

world has been convulsed by revolutions in the interests of democracy or of monarchy, but through all those revolutions the United States have wisely and firmly refused to become propagandists of republicanism. It is the only government suited to our condition; but we have never sought to impose it on others, and we have consistently followed the advice of Washington to recommend it only by the careful preservation and prudent use of the blessing. During all the intervening period the policy of European powers and of the United States has, on the whole, been harmonious. Twice, indeed, rumors of the invasion of some parts of America in the interest of monarchy have prevailed; twice my predecessors have had occasion to announce the views of this nation in respect to such interference. On both occasions the remonstrance of the United States was respected, from a deep conviction on the part of European governments that the system of non-interference and mutual abstinence from propagandism was the true rule for the two hemispheres. Since those times we have advanced in wealth and power; but we retain the same purpose to leave the nations of Europe to choose their own dynasties, and form their own systems of government. This consistent moderation may justly demand a corresponding moderation. We should regard it as a great calamity to ourselves, to the cause of good government, and to the peace of the world, should any European power challenge the American people, as it were, to the defence of republicanism against foreign interference. We cannot foresee, and are unwilling to consider what opportunities might present themselves, what combinations might offer to protect ourselves against designs inimical to our form of government. The United States desire to act in the future as they have ever acted heretofore; they never will be driven from that course but by the aggression of European powers, and we rely on the wisdom and justice of those powers to respect the system of non-interference which has so long been sanctioned by time, and which, by its good results, has approved itself to both continents.

The correspondence between the United States and France in reference to questions which have become subjects of discussion between the two governments will, at a proper time, be laid before Congress.

When, on the organization of our government, under the Constitution, the President of the United States delivered his inaugural address to the two houses of Congress, he said to them, and through them to the country, and to mankind, that "the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally, staked on the experiment intrusted to the American people." And the House of Representatives answered Washington by the voice of Madison: "We adore the invisible hand which has led the American people, through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty." More than seventy-six years have glided away since these words were spoken; the United States have passed through severer trials than were foreseen: and now, at this new epoch in our existence as one nation, with our Union purified by sorrows, and strengthened by conflict, and established by the virtue of the people, the greatness of the occasion invites us once more

to repeat with solemnity the pledges of our fathers to hold ourselves answerable before our fellow-men for the success of the republican form of government. Experience has proved its sufficiency in peace and in war; it has vindicated its authority through dangers and afflictions, and sudden and terrible emergencies, which would have crushed any system that had been less firmly fixed in the heart of the people. At the inauguration of Washington the foreign relations of the country were few, and its trade was repressed by hostile regulations; now all the civilized nations of the globe welcome our commerce, and their governments profess towards us amity. Then our country felt its way hesitatingly along an untried path, with States so little bound together by rapid means of communication as to be hardly known to one another, and with historic traditions extending over very few years; now intercourse between the States is swift and intimate; the experience of centuries has been crowded into a few generations, and has created an intense, indestructible nationality. Then our jurisdiction did not reach beyond the inconvenient boundaries of the territory which had achieved independence; now, through cessions of lands, first colonized by Spain and France, the country has acquired a more complex character, and has for its natural limits the chain of lakes, the Gulf of Mexico, and on the east and the west the two great oceans. Other nations were wasted by civil wars for ages before they could establish for themselves the necessary degree of unity; the latent conviction that our form of government is the best ever known to the world has enabled us to emerge from civil war within four years with a complete vindication of the constitutional authority of the general government, and with our local liberties and State institutions unimpaired.

The throngs of emigrants that crowd to our shores are witnesses of the confidence of all peoples in our permanence. Here is the great land of free labor, where industry is blessed with unexampled rewards, and the bread of the workingman is sweetened by the consciousness that the cause of the country "is his own cause, his own safety, his own dignity." Here every one enjoys the free use of his faculties and the choice of activity as a natural right. Here, under the combined influence of a fruitful soil, genial climes, and happy institutions, population has increased fifteen-fold within a century. Here, through the easy development of boundless resources, wealth has increased with two-fold greater rapidity than numbers, so that we have become secure against the financial vicissitudes of other countries, and, alike in business and in opinion, are self-centred and truly independent. Here more and more care is given to provide education for every one born on our soil. Here religion, released from political connexion with the civil government, refuses to subserve the craft of statesmen, and becomes, in its independence, the spiritual life of the people. Here, toleration is extended to every opinion, in the quiet certainty that truth needs only a fair field to secure the victory. Here the human mind goes forth unshackled in the pursuit of science, to collect stores of knowledge, and acquire an ever-increasing mastery over the forces of nature. Here the national domain is offered and held in millions of separate freeholds, so that our fellow-citizens, beyond the occupants of any other part of the earth, constitute in reality a people. Here exists the democratic form of government; and that form of

government, by the confession of European statesmen, "gives a power of which no other form is capable, because it incorporates every man with the state, and arouses everything that belongs to the soul."

Where, in past history, does a parallel exist to the public happiness which is within the reach of the people of the United States? Where, in any part of the globe, can institutions be found so suited to their habits or so entitled to their love as their own free Constitution? Every one of them, then, in whatever part of the land he has his home, must wish its perpetuity. Who of them will not now acknowledge, in the words of Washington, that "every step by which the people of the United States have advanced to the character of an independent nation seems to have been distinguished by some token of Providential agency." Who will not join with me in the prayer, that the invisible hand which has led us through the clouds that gloomed around our path will so guide us onward to a perfect restoration of fraternal affection, that we of this day may be able to transmit our great inheritance, of State governments in all their rights, of the general government in its whole constitutional vigor, to our posterity, and they to theirs through countless generations?

ANDREW JOHNSON.

WASHINGTON, *December* 4, 1865.

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CORRESPONDENCE.

GREAT BRITAIN.

Mr. Adams to Mr. Seward.

No. 818.] LEGATION OF THE UNITED STATES,
London, November 25, 1864.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1140 to 1143, inclusive.

The intelligence of the result of the election has been received here with no surprise, inasmuch as the concurring reports of the correspondents of the press, of all shades of opinion, had tended to prepare the public mind for it. The disappointment is betrayed in various attempts to allege unfairness and dictation on the part of the government. Very fortunately, the unequivocal character of the decision makes all such pretences ridiculous. It would be difficult to overestimate the importance of this event, in its influence upon the reputation of the nation throughout Europe. Very happily, too, the result has been arrived at without any appearance of popular disturbance. I trust I need not say how anxiously we have all looked for it, and how much satisfaction it has given to all loyal Americans on this side of the water.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 819.] LEGATION OF THE UNITED STATES,
London, November 25, 1864.

SIR: I have received from Mr. Dudley, the consul at Liverpool, reports of the proceedings had at that place in regard to the detention of the ship Great Western, by order of the British government, on the allegation of some violation of the provisions of the enlistment act. It is obvious that this difficulty has been raised by the rebel agents, their attorneys and sympathizers, simply to try to make an offset to their own notorious operations. I do not myself perceive any just foundation for the interposition. No communication has yet come to me from the Foreign Office. A protest has been drawn up before the consul by the commander of the ship. All the papers will probably be sent to you from his office at Liverpool. I have advised that course to be taken, not deeming any action on my part expedient until all the facts shall have come under the President's consideration, and his wishes communicated in formal instructions.

The proceedings against Messrs. Jones and Highatt, for enlisting seamen for the rebels at Liverpool, have terminated in a verdict *pro forma*, with a nominal

penalty, to which the parties consented. I transmit a copy of the Times containing a report. The distrust of the law officers of their ability to enforce the statute seems to me to amount to timidity, for I do not suspect any want of disposition.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of Thursday, November 24, 1864.]

COURT OF QUEEN'S BENCH, *Westminster, November* 23.

Sittings in Banco, before the Lord Chief Justice, Mr. Justice Crompton, and Mr. Justice Shee.

THE QUEEN *vs.* JONES AND ANOTHER.

This was an indictment against two persons, named Jones and Highatt, for breaches of the foreign enlistment act, by procuring persons to be enlisted at Liverpool in the confederate service. The "Alexandra" case related to the equipment clauses of the statute; this case relates to the enlistment clauses. The title of the act (59 George III, chap. 69) is "An act to prevent the enlisting or engagement of his Majesty's subjects to serve in a foreign service, and the fitting out or equipping, in his Majesty's dominions, vessels for warlike purposes, without his Majesty's license." Then the preamble runs thus:

"Whereas the enlistment or engagement of his Majesty's subjects to serve in war in foreign service without his Majesty's license, and the fitting out and equipping and arming vessels by his Majesty's subjects without his Majesty's license, for warlike operations in or against the dominions or territories of a foreign prince, state, &c., or persons exercising or assuming to exercise the powers of government in any foreign country, province, or part of any province, &c., may be prejudicial to and tend to endanger the peace and welfare of this kingdom; and whereas the laws in force are not sufficiently effectual for preventing the same," &c. And then the first section proceeds to enact:

"That if any natural-born subject of his Majesty, his heirs, &c., without the leave and license of his Majesty, signified by order in council or by proclamation, shall take or accept, or shall agree to take or accept, any military commission, or shall enter into the military service of the foreign state, &c., or shall go to the foreign country, &c., with an intent or in order to enlist or enter himself to serve, or with intent to serve, in any warlike or military operation whatever, whether by land or by sea, in the service of, or for or under or in aid of any foreign prince, state, &c., or as an officer or a soldier, or in any other military capacity, or as an officer or sailor, or marine, in any ship or vessel, &c., he shall be guilty of a misdemeanor." And then the clause proceeds: "that if any person whatever, in the United Kingdom of Great Britain and Ireland, or any part of his Majesty's dominions elsewhere, &c., shall hire, retain, engage, or procure, or shall attempt or endeavor to hire, retain, engage, or procure any person or persons whatever to enlist, or enter or engage to enlist, or to serve or to be employed in any such service or employment as aforesaid, as an officer, soldier, sailor, or marine, either in land or sea service, for or under or in aid of any foreign prince, state. &c., or to go or to agree to go or embark from any part of his Majesty's dominions for the purpose or with the intent to be so enlisted, entered, engaged or employed as aforesaid, whether any enlisting money, pay, or reward shall have been or shall be actually given or received, or not; in any or either of such cases every person so offending shall be deemed guilty of a misdemeanor," &c.

The indictment contained 51 counts. The 1st count charged that the defendants, "on the 25th day of March, A. D. 1863, within the United Kingdom of Great Britain and Ireland, to wit, at the parish of Liverpool, in the county of Lancaster, unlawfully and wilfully did hire, retain, engage, and procure one John Stanley to enlist as a sailor in sea service for, under, and in aid of certain persons exercising the powers of government in a certain foreign country; that is to say, for, under, and in aid of the Confederate States of America, against the form of the statute," &c. The 2d count was a repetition of the 1st count, except that the description of the foreign power was as follows: "For, under, and in aid of certain persons assuming to exercise the powers of government in a certain foreign country; that is to say, for, under, and in aid of the Confederate States of America." The 3d count was also a repetition of the 1st count, with the variation, "for, under, and in aid of certain foreign States styling themselves the Confederate States of America." The 4th, 5th, and 6th counts charged that the defendants did hire, retain, engage, and procure Stanley "to enter and engage to enlist as a sailor in sea service for," &c., (the description of the foreign power being varied, as in the first three counts.) The 7th, 8th, and 9th counts charged that the defendants did here retain, engage, and procure Stanley "to go and embark from a certain part of her Majesty's dominions, to wit, from the port of Liverpool, in the county aforesaid, for the purpose and with intent to be enlisted as a sailor in sea service for," &c., (the description of the foreign

power being varied, as in the first three counts.) The 10th, 11th, and 12th counts charged that the defendants did hire, retain, engage, and procure Stanley "to serve and be employed in warlike operations by sea, in the service of and for, under," &c., (description of the foreign power varied as before.) The 13th, 14th, and 15th counts charged that the defendants did hire, retain, engage and procure Stanley "to go and embark from a certain part of her Majesty's dominions, to wit, from the port of Liverpool, in the county aforesaid, in order and with intent to serve and be employed in warlike operations by sea, in the service of and for," &c., (description of the foreign power varied as before.) Then followed 15 like counts as to the hiring, &c., of Benjamin Conolly, and 15 like counts as to the hiring of Francis Glassbrook. The 46th, 47th, and 48th counts related to the hiring, &c., of one Thomas Matthews, and corresponded to the 13th, 14th, and 15th counts. The last three counts charged that the defendants did "attempt and endeavor to hire, retain, engage, and procure the said Thomas Matthews to go," &c., (as in the three preceding counts.) This indictment was afterwards removed into the court of Queen's Bench, and the defendants pleaded "not guilty," and the case came on to be tried at the last assizes at Liverpool before the lord chief justice and a special jury. The facts proved were as follows: The defendants were partners in the firm of Jones & Co., ship-store dealers in Liverpool; a third partner was Thomas Bold. In the beginning of 1863 an iron steamer was building in the Clyde, which on the 20th of March was registered by the name of the Japan, with the name of Thomas Bold, of Liverpool, as sole owner. This register remained unaltered until the 23d of June, 1863, when it was closed, in consequence of information from the owner (by letter of that date) that the vessel had been transferred to foreigners. About the 24th of March, Stanley, Glassbrook and Conolly were induced by a Captain Hedgecock to sign articles at the Sailors' Home, Liverpool, to serve in the Japan on a voyage from the Clyde to Singapore and home—Stanley as a cooper, Glassbrook as an able-bodied seaman, and Conolly as a boy. Hedgecock was to be captain. On signing the articles, which was done in the ordinary way before a shipping master, they were told by Hedgecock to apply at the office of Jones & Co. for further directions. They did so accordingly; got advance-notes, (one of which was also cashed at the office by the defendant Highat,) and received directions to be at the passenger-boat leaving for Greenock on the next evening, the 25th of March. The next evening they embarked, the defendant Highat superintending; apparently—but of this there was no positive evidence—he had engaged and prepaid their passage. Their clothes had also been conveyed from the office to the steamboat. On arriving at Greenock they were transferred into a tug-boat, and thence on board the Japan. According to the evidence of one of the witnesses, the defendant Jones was on board the tug-boat superintending the transfer, &c. The Japan remained in the Clyde a few days completing for sea, and then quitted, under the command of Captain Hedgecock, whether nominally for a trial trip or upon her voyage to India did not appear. In point of fact, however, she proceeded into the British Channel, where she was fallen in with by a small steamer, which the Japan took in tow, and the two vessels then proceeded together to the French coast and anchored off Brest. At nightfall the Japan hauled alongside the small steamer and received from her guns, ammunition, &c. On board the small steamer was the defendant Jones, apparently taking some part in the disembarcation of the stores. The next day Captain Maury came on board the Japan, dressed himself in the uniform of the Confederate Sates navy, called all the hands aft and addressed them. He said "the ship was about to enter the confederate service, and to be called the Georgia; would they volunteer?" This was said in the presence of the defendant Jones, and in the enlisting, which subsequently followed, he was by Captain Maury's side persuading the men to enlist, taking their bounty for them, &c. Stanley, Glassbrook, Conolly, and others enlisted to serve for two years; others, however, refused, and returned to England in the small steamer, as also did the defendant Jones. Shortly afterwards the ship hoisted the confederate flag, and under the name of the Georgia, made a voyage to the Cape of Good Hope, destroyed several vessels carrying the federal flag, and in October, 1863, returned to Cherbourg, whence Stanley, Glassbrook, and Conolly returned to Liverpool. Meanwhile their wives had received their bounty, and also regular monthly money, at Jones & Co.'s office, and to this office the men applied for means to return to the Georgia. Shortly, however, after such application they entered into communication with the North American consul, and thenceforward acted, the result of which was the present prosecution. The consul paid them wages and subsistence up to the date of the prosecution of the defendants before the magistrates in January, 1864; from that time they received the like weekly money from the solicitor to the Crown. The case as to Matthews was somewhat different. He had shipped on board the Japan at Greenock, had enlisted at Brest, and returned to Cherbourg, by which time a considerable sum was due to him as wages; he then came on leave to Liverpool, and when there applied to Jones & Co. for means to return to the ship.

By the defendant Highat's instructions he went down to the Havre packet-boat at Liverpool, and there received from the defendant's clerk £3, with which, in fact, his passage was paid to Havre. On arrival, however, at Havre he quarrelled with the boatswain of the Georgia, and in consequence never rejoined the ship. The above facts were proved by the evidence of Stanley, Glassbrook, Conolly, and Matthews. A certified copy of the ship's register was put in (see 17th and 18th of Victoria, cap. 104, sec. 107) to prove the ownership of the Japan, the identity of which with the vessel therein described was proved by the witness

Glassbrook. The partnership of Thomas Bold with the defendants was proved by the manager of the bank at Liverpool. A Queen's printer's copy of the Queen's proclamation of neutrality, 13th May, 1861, was also put in to prove the fact of war, "of certain States styling themselves Confederate States, &c.," which recites: "Whereas we are happily at peace with all sovereigns, powers, and states; and whereas hostilities have unhappily commenced between the government of the United States of America and certain States styling themselves the Confederate States of America." At the close of the case for the prosecution the counsel for the defendant submitted that there was no case, inasmuch as there was no proof of intent on the part of the persons hired to enter into the foreign service at the time when they were engaged by the defendants in this country. The point was reserved, and the lord chief justice, in summing up, said he should ask the jury to determine by their verdict whether the defendants, or either of them, procured the persons mentioned in the indictment, or either or any of them, to go and embark from this port for the purpose of being enlisted, entered, or engaged in the confederate service. There was no doubt that all the four persons engaged did enter and enlist on board a steamer, which was immediately afterwards employed as a war steamer for the purpose of engaging in war against the northern States of America; and there seemed to be very little doubt that the defendants, both of them, had to do with those men leaving the port of Liverpool for the purpose of joining the ship. The question for consideration was, whether the defendants who procured the witnesses to embark at Liverpool did so for the purpose of their being enlisted and employed in the service of the Confederate States as a belligerent country, with whom this country was at peace, and towards whom this country was bound to observe strict neutrality. The jury found a verdict for the Crown. The verdict was then entered against the defendant Highat on all the counts, and against the defendant Jones upon all the counts, except the last six. The defendants were required to enter into recognizances of £500 each, with two sureties of £100 each, to appear and receive judgment.

They now accordingly appeared in court, and the attorney general, the solicitor general, and Mr. Edward James, Q. C., (who, as attorney general for the county palatine, had conducted the prosecution,) with Mr. Hannen and Mr. Vernon Lushington, appeared on the part of the Crown; Mr. Temple, Q. C., and Mr. Baylis appeared for the defendant Jones; Mr. Brett, Q. C., and Mr. Mellish, Q. C., appeared for the defendant Highat.

Notice had been given to the Crown, on the part of the defendants, that it was intended to move for a new trial, upon grounds set forth in the notice. The chief points intended to be raised on behalf of the defendants were, that notwithstanding the finding of the jury that the defendants had procured the men to leave this country with an intention on the part of the defendants that the men should be induced at sea to enlist in the confederate navy, yet the verdict ought to have been entered for the defendants, because the case was not within the statute, inasmuch as there was no purpose or intent on the part of the men so to enlist when they quitted this country; and that the judgment ought to be arrested, because the indictment only stated that the men were to be enlisted to serve as sailors, and did not go on to allege that the service was to be on board a ship or vessel of war.

On the case being called,

Mr. TEMPLE, Q. C., rose and addressed the court in these terms: If your lordships see no objection to the course we propose to pursue, we believe there need be no further discussion of this case. We understand that the attorney general, under the circumstances of this case, will not press for a greater sentence or judgment than that judgment should be entered that each defendant shall pay a fine of £50. That being so, if your lordships see no objection, the defendants will submit to such a judgment without further discussion.

The LORD CHIEF JUSTICE. Provided it be understood that the law has been vindicated, the court will not object, if the Crown consent to that course. We presume that the counsel for the Crown have fully considered the case, and are satisfied that this is the proper course to pursue.

The ATTORNEY GENERAL. Of course, we have gone fully into the case, and not only this, but the other cases which have arisen under the act. The government have not thought that it would be proper to press for a severe sentence in this the first case of the kind which has arisen. They have not thought it right to carry out the law in the other cases at all harshly, considering that they arose at a time when the law was not well understood; and they have not deemed it right to pursue a different course in this case. They therefore assent to the course proposed to be taken.

The LORD CHIEF JUSTICE. Then be it so. The verdict will stand, and a judgment will be entered against each defendant for a fine of £50. But let it be distinctly understood that the law have been vindicated, and that the court are fully sensible of the importance and necessity of upholding it; and that in any future case of the kind which may arise a more severe punishment may be inflicted.

Judgment was accordingly entered that each defendant pay to the Crown a fine of £50

Mr. Adams to Mr. Seward.

No. 821.] LEGATION OF THE UNITED STATES,
London, November 25, 1864.

SIR: I have the honor to inform you that at last I have completed the preparation of the note to Lord Russell, rendered necessary by the instructions contained in your despatch No. 1136, together with copies of the accompanying papers. I dated it on the 23d instant, and sent the messenger with instructions to note on the corner the hour and minute of the delivery at the Foreign Office. It was so noted by him at five minutes past six o'clock that evening.

I transmit herewith a copy of the note.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

(Delivered at the Foreign Office at 5 minutes past 6 p. m., November 23, 1864.)

LEGATION OF THE UNITED STATES,
London, November 23, 1864.

MY LORD: I have the honor to submit to your consideration copies of a number of papers which have been transmitted to me with instructions to lay them before her Majesty's government.

It has become once more my painful duty to make representations respecting the manner in which the territories in America under the authority of Great Britain, both continental and insular, are systematically used by the insurgents against the United States as bases for hostile proceedings of every description.

The motives for such proceedings seem to have been two-fold. The first and the most obvious is, to do as much injury to the people of the United States as possible. But the second, and far more inciting one, has been to stimulate the government and people of the United States to so great a degree of irritation as to prompt hasty acts of retaliation, which might ultimately effect a permanent breach of the friendly relations between the two countries. By this means it is hoped that the natural result of a struggle, perceived from the first to be unequal, might be changed by the intervention of a powerful ally to the failing side.

On a review of the correspondence which I have heretofore had the honor to conduct with your lordship, I think it will most clearly appear that the attention of my government has been most constantly fixed upon the necessity of averting the dangers springing out of this nefarious policy. In that view the insufficiency of the law of Great Britain to enforce a rigid neutrality, as well as of her Majesty's proclamation to avert causes of complaint, was very early foreseen. It was for that reason that a proposal was early made by me to your lordship to secure such changes and amendments of that law as might be expected more fully to answer the purpose, and such as the experience in a former instance in the United States had actually dictated to them to adopt in order to maintain peace.

It is with great regret that I am obliged to remind your lordship that nothing whatever has been done in this direction, and that in spite of the fact that every day's subsequent experience has proved the reasonableness of the anxiety that prompted the request.

The seizure of the steamer Chesapeake on the high seas by insurgents who made her Majesty's provinces of Nova Scotia and New Brunswick the base of the operation is well known to your lordship. Although it be true that that vessel was ultimately released, it is equally certain that the perpetrators of the act escaped all penal consequences in the colonies. Braine, the very same man who was engaged in that high-handed act, has since perpetrated another of the same kind upon the steam-packet Roanoke, in the course of which he made the island of Bermuda the point from which, failing to gain a reception for his prize, he completed his operations for her destruction at the mouth of the harbor.

I am now compelled to call your lordship's attention to other proceedings of a character infinitely more dangerous to the peace of the two countries.

On Sunday evening, the 18th of September, a man came on board the Philo Parsons while she was lying at the dock at Detroit and requested the clerk, Mr. Walker T. Ashley, who is part owner of the Parsons, to call at Sandwich, on the Canada shore, three miles below Detroit, to receive him and a party of friends who wished to go to Kelly's island, about eleven miles from Sandusky, alleging that one of them was lame and could not well cross the ferry. The Philo Parsons sailed the next morning, (Monday, the 19th of September,) at 8 o'clock, with about forty passengers. The person referred to above as having engaged a passage for himself and party appeared immediately afterwards, and, at his re-

quest, the steamer called at Sandwich, where his friends, four in number, came on board. At Malden, on the Canada side, where the steamer always stopped, about twenty miles below Detroit, and near the point where the Detroit river empties into the lake, about twenty more men came on board. The number not being unusual excited no suspicion. The only baggage of the party was an old-fashioned trunk, tied with rope, and which was afterwards ascertained to contain revolvers and large hatchets or hand-axes. The steamer continued on her course, and made her usual landings at North Bass, Middle Bass, and South Bass islands, the latter being better known as Put-in-Bay island. These islands are nearly north of Sandusky, and about twenty miles distant. They all belong to the United States, and are part of the State of Ohio. Captain Atwood, the captain of the steamer, left her at Middle Bass island, where his family reside. Having made these landings, the steamer went on her course to Kelly's island, about seven miles further on, and made her usual landing there. Here four men got on board, all apparently belonging to the same party, and it has been ascertained that one who was seen among them after the capture of the steamer had been several days on the island, visiting the inhabitants, and pretending to be an agent for the sale of sewing machines.

Shortly after leaving Kelly's island, about four o'clock in the afternoon, and while she was directly on her course for Sandusky, the Philo Parsons was seized by the party who had got on board at Sandwich and Malden, and was headed to the eastward for nearly an hour, when she was turned back to Middle Bass island for fuel, the leader of the party having ascertained from the mate and engineer that there was not enough to run many hours. Soon after the Philo Parsons reached Middle Bass island, and while she was taking in wood, the steamer Island Queen, which performs daily trips from the Bass islands to Sandusky and back, came alongside, and was immediately seized. The engineer of the Island Queen, without giving any provocation, was shot in the face. The ball entered his cheek and passed out near the ear. One person was cut in the head with a hatchet and bled profusely. Several other persons were knocked down, and a large number were struck with the but ends of pistols, and with hatchets, and some ten or a dozen shots were fired.

The passengers on both boats were landed at Middle Bass, with a part of their baggage. After getting a supply of fuel the Philo Parsons ran out into the lake, towing the Island Queen. At the distance of about five miles, according to one statement, and at a smaller distance according to others, the Island Queen was scuttled by cutting her supply-pipe, and was sent adrift. Before filling she drifted on a shoal, and was gotten off a few days afterwards, having been plundered by the party who had seized her.

After the Island Queen had been scuttled, the Philo Parsons stood for Sandusky harbor, and was then turned about and steered for Malden, where she arrived between four and five o'clock on Tuesday morning, the 20th of September. A few miles above Malden a yawl-boat load of plunder was sent ashore on the Canadian side of the Detroit river. At Fighting island, some six miles above, the crews of both steamers were landed. The Philo Parsons arrived at Sandwich at about eight o'clock the same morning, and a pianoforte belonging to her, a number of trunks, and the cabin furniture, were put ashore at the dock, where a custom-house officer almost immediately appeared. She was then scuttled by cutting her injection pipes, and cast off. She partially filled, but was taken possession of a few hours afterwards by the mate, who had come up in a small steamer (the Pearl) from Ecorse, who had her towed to Detroit.

The facts thus set forth have been substantiated by the depositions of eye-witnesses of these occurrences. Upon learning these extraordinary proceedings, initiated and executed from her Majesty's possessions in Canada as a base, a note was immediately addressed by the Secretary of State to J. Hume Burnley, esq., her Majesty's chargé d'affaires at Washington, requesting, through him, that her Majesty's government would, upon the arrest and commitment of the parties perpetrating these outrages, issue the necessary warrant for their delivery to the agents of the United States, in order that they might be brought there for trial. This request was made on the ground that the persons were guilty of crimes embraced within the extradition treaty. Mr. Burnley replied that he had referred the matter to her Majesty's provincial authorities, as is usual in such cases. Thus has it rested down to this time.

The primary object in capturing these steamers was confessedly to release the insurgent officers confined on Johnson's island. There is reason to believe that the conspiracy was organized and set in motion by prominent insurgents who have for some time past been residing in Canada for such purposes. Indeed, my government has proof that Mr. Jacob Thompson has acknowledged that he was commissioned and provided with funds to carry them into effect, and had interviews with conspicuous members of the gang just before the steamers were captured. Scarcely had the alarm occasioned by this sally from the Canadian territory subsided, when information of a new and even more extraordinary and desperate outrage was received by my government. This time it was not committed upon the water, but against the peaceable and unoffending inhabitants of a border town. A band, said to consist of twenty-five desperate men, clandestinely armed, crossed the frontier, and proceeded in several small parties by stage-coach to St. Albans, Vermont, in the customary way of travellers. At a concerted time they raised a scene of terror in that peaceful town, broke into banking-houses and other buildings, and carried off large amounts of treasure, said to

be two hundred and twenty-five thousand dollars, together with other valuable property. As soon as the people recovered from their surprise, they arose and hotly pursued the felons, who sought safety by returning on stolen horses across the frontier into Canada. The Canadian municipal agents seem to have co-operated with the pursuers from Vermont with alacrity and diligence. Twelve of the robbers were arrested, stripped of their plunder, and taken into custody by the Canadian authorities. It is also understood that a considerable part of the recovered property was promptly restored to its owners.

A request, similar in its character to the former one, has been addressed by the Secretary of State to Mr. Burnley, as will appear in the papers which accompany this note.

It must be obvious to your lordship that at the time of the adoption of the arrangement between the two governments in April, 1817, which limited their naval forces on the lakes, a condition of things like the present could scarcely have been anticipated. The purpose clearly was to prevent either party from keeping up a force which might endanger the other; thus entailing upon both the necessity of maintaining a more or less burdensome armament. It certainly did not contemplate the possible intervention of a third party, ill-disposed to both, which should malignantly avail itself of the known provisions of the compact for the purpose of working certain mischief to that which it hated the most, and possible injury even to the other, by provoking strife between the two. Neither could it have foreseen the precise position in which her Majesty's government has been placed by recognizing as belligerents persons capable of abusing the privileges conceded by that measure to the most malicious purposes. In view of these most extraordinary events, against the recurrence of which on the Canadian side no provision adequate to meet the immediate exigency seems to have been made on the part of her Majesty's government, it would seem to be the imperative duty of the United States to provide at once some stringent measures. Inroads by marauding ruffians upon the population of the United States on that border cannot be tolerated. Among the papers which I have the honor to lay before you, I beg, in this connexion, to call to your notice a letter of the Secretary of the Treasury, directing the outfit of two steam propellers—one upon Lake Erie, and the other on Lake Ontario—with the object of checking, and if possible suppressing, depredations on the trade or attacks upon the population connected with those waters.

In consequence, however, of the later outrage perpetrated at St. Albans, I am directed to say that the preceding measures are not deemed by any means adequate to answer the desired purpose. The proceedings taken together are regarded as deserving of further and prompt action on the part of her Majesty's government, in order to avert the danger of ultimate conflict upon the Canadian borders. It gives me great satisfaction to be able to acknowledge to your lordship that the Canadian executive authority has thus far co-operated with my government in faithful and diligent efforts to bring these disturbers of the public peace to due account. It is a matter of certainty, though not perhaps susceptible of judicial proof, that all movements of this character are set on foot by a notorious person named Jacob Thompson, who, with other disloyal citizens of the United States, is temporarily domiciled in Canada, and furnished with funds by his coadjutors at home for these iniquitous operations, through the banking institutions of that province. It is impossible not to feel their presence and their activity in that region to be a constant threat against the safety of the people occupying the entire long line of the border. I am, therefore, with great regret, instructed to give this formal notice to your lordship, that, in conformity with the treaty reservation of the right at the expiration of six months from the date of this note, the United States will deem themselves at liberty to increase the naval armament upon the lakes, if in their judgment the condition of affairs in that quarter shall then require it.

In taking this step, I am desired to assure your lordship that it is resorted to only as an indispensable measure to the national defence; and, so far from being in a spirit of hostility, that it springs from a wish no less earnest than heretofore to preserve the most friendly relations with Great Britain. I take pleasure in adding, that it is the fixed purpose of my government, in every case, to direct its energies to the prevention of all attempts to invade the British territory, whether by way of retaliation or otherwise. The questions that grow out of the present anomalous state of things are deemed of not less importance to the interests of her Majesty's possessions than they are to the people of the United States. The failure to maintain a rigid neutrality on the Canadian border at this day may become a fruitful source of excuse for similar delinquency at some period or other on our side of the line whenever the temptation may arise. It is not for my government to indicate the precise means to be adopted by her Majesty's government to insure a more perfect observance of that neutrality on her side. I may, however, be permitted to suggest on its behalf an opinion, that a policy similar to that which was inaugurated under circumstances not altogether unlike, by the enactment of the law of the 10th March, 1838, already alluded to in the early part of this note, might be followed with advantage to Great Britain in the American provinces during the continuance of the present struggle.

I should fail, however, in executing the whole duty imposed upon me, if I were not to repeat the expression of the sincere conviction of my government, that practically the policy of neutrality which her Majesty has proclaimed has failed, as well in the British home ports as in the colonies, but most especially in the latter; and, moreover, that it must continue to fail more conspicuously every day so long as an asylum is opened there to active emissaries of

the enemies of the United States, who have it in their power to use, by means fair or foul, the British ports and British borders as a base for felonious depredations of every description against the people of the United States. Neither is it deemed possible to arrive at any remedy adequate to meet the present exigency, other than a recognition by her Majesty's government of the just and exclusive sovereignty of the United States in all the waters and all the territory heretofore legally under the jurisdiction of the government. In the use of the word exigency, the full sense of its effect is perfectly understood. The welfare and prosperity of the neighboring British provinces are as sincerely desired on its part as they can be by Great Britain. In a practical sense they are sources of wealth and influence for the one country only in a less degree than for the other, though the jurisdiction appertains only to the latter. That this is the sincere conviction of my government has been proved by its consent to enter into relations of reciprocal free commerce with them almost as intimate as those which prevail between the several States of the Union themselves. Thus far the disposition has been, to remain content with those relations under any and all circumstances, and that disposition will doubtless continue; provided, always, that the amity be reciprocated, and that the peace and harmony on the border indispensable to its existence be firmly secured. The fulfilment of that obligation must be, however, as your lordship cannot fail to perceive, at a glance, the essential and paramount condition of the preservation of the compact. Even were my government to profess its satisfaction with less, it must be apparent that by the very force of circumstances, peace could scarcely be expected to continue long, in a region where no adequate security should be afforded to the inhabitants against mutual aggression and reprisal.

Political agitation, terminating at times in civil strife, is shown by experience to be incident to the lot of mankind, however combined in society. Neither is it an evil confined to any particular region or race. It has happened heretofore in Canada, and what is now a scourge, afflicting the United States, may be likely at some time or other to revisit her. In view of these very obvious possibilities, I am instructed respectfully to submit to her Majesty's government the question whether it would not be the part of wisdom to establish such a system of repression now as might prove a rock of safety for the rapidly multiplying population of both countries for all future time.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Hon. EARL RUSSELL, *&c., &c., &c.*

[Enclosures.]

1. Mr. Fessenden to Mr. Seward, September 23, 1864
2. Mr. Seward to Mr. Fessenden, September 30, 1864.
3. General Hitchcock to Mr. Stanton, (telegram,) September 23, 1864.
4. Mr. Fessenden to Mr. Seward, September 30, 1864.
5. Mr. Seward to Mr. Burnley, October 1, 1864.
6. Mr. Burnley to Mr. Seward, October 4, 1864.
7. Mr. Thurston to Mr. Seward, (three enclosures,) October 20, 1864.
8. Mr. Seward to Mr. Burnley, October 21, 1864.
9. Mr. Burnley to Mr. Seward, October 23, 1864.
10. Same to same, October 23, 1864.
11. Colonel Van Buren to Mr. Seward, October 26, 1864.
12. Major Austin to General Dix, October 23, 1864.
13. Governor of Vermont to Major Austin, (telegram,) October 19, 1864.

[For enclosures numbers 1, 2, 3, 4, and 7, see Mr. Seward's No. 1136, Part 2, Diplomatic Correspondence for 1864; and for numbers 5, 6, 8, 9, and 10, see Correspondence with British legation, same series.]

Mr. Adams to Mr. Seward.

[Extract.]

No. 822.] LEGATION OF THE UNITED STATES,
London, November 30, 1864.

SIR: * * * * * * * *

Little has happened worthy of note this week. The cabinet meetings have been very numerous for some time past, which has given rise to some speculations both here and in the French press. It is, however, supposed that projects of materially reducing the annual charges for the military and naval service chiefly engage the attention of ministers. Mr. Gladstone is understood to be

anxious to return to a peace footing, and to that end some indirect pressure has been applied to the French government to secure a quieting co-operation. Any proceeding in this direction cannot but be received with favor by us, inasmuch as it shows less and less apprehension of difficulties on our side of the water.

But whatever may have been the topics for cabinet discussion, I infer from the announcement of Lord Russell's return at the close of the week to his country place, that they have been disposed of at least for some time.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 823.] LEGATION OF THE UNITED STATES,
London, December 1, 1864.

SIR: I transmit herewith a copy of the London Times, of this morning, containing a letter addressed by Lord Russell to the three rebel emissaries who were directed to present to him the manifesto which has been issued from Richmond. * * * * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[From the London Times of December 1, 1864.—Extract.]

Earl Russell to Messrs. Slidell, Mason and Mann,

FOREIGN OFFICE, *November* 25, 1864.

GENTLEMEN: I have had the honor to receive the copy which you have sent me of the manifesto issued by the Congress of the so-called Confederate States of America.

Her Majesty's government deeply lament the protracted nature of the struggle between the northern and southern States of the formerly united republic of North America.

Great Britain has since 1783 remained, with the exception of a short period, connected by friendly relations with both the northern and the southern States. Since the commencement of the civil war, which broke out in 1861, her Majesty's government have continued to entertain sentiments of friendship equally for the north and for the south. Of the causes of the rupture her Majesty's government have never presumed to judge; they deplore the commencement of this sanguinary struggle, and anxiously look forward to the period of its termination. In the mean time they are convinced that they best consult the interests of peace, and respect the rights of all parties, by observing a strict and impartial neutrality. Such a neutrality her Majesty has faithfully maintained, and will continue to maintain.

I request you, gentlemen, to accept, &c., &c.,

RUSSELL.

J. SLIDELL, Esq., J. MASON, Esq., and A. DUDLEY MANN, Esq.

Mr. Adams to Mr. Seward.

No. 824.] LEGATION OF THE UNITED STATES,
London, December 1, 1864.

SIR: I have received a visit this morning from T. B. Potter, esq., the president of the Union and Emancipation Society of Manchester, who had been deputed to convey to me an engrossed copy of certain resolutions adopted by that society, in order that it may be transmitted to the President of the United

States. Accordingly, I have the honor to send it forward by the present opportunity.

The fact is not undeserving of notice in America that many similar popular expressions of sympathy with the renewed manifestation of confidence in the President, shown by the issue of the election, have taken place. I have received copies of newspapers from various parts of the kingdom containing earnest and strong language of rejoicing and congratulation; and likewise private notes from individuals unknown to me, who show proof of familiar acquaintance with the principles which underlie the contest, and an ardent desire for the success of the righteous cause. It is highly advisable to bear in mind the existence of this strong feeling among a portion of the people of England, in order to avoid rushing too hastily to the belief that the hostility so strongly manifested by some is to be imputed to almost all.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure.]

Address of the Union and Emancipation Society to his excellency Abraham Lincoln on his re-election to the Presidency, November 8, 1864.

SIR: We hasten to congratulate you on the welcome intelligence that you have again been elected to the high dignity of President of the United States of America; an election which, whilst it has sealed the fate of slavery in your great country, cannot fail, under the circumstances of the case, to impress thoughtful minds "as being one of the most sublime spectacles in the whole history of the world."

Ever since the Baltimore convention adopted its platform of enlightened patriotism and radical anti-slavery principles, and so unanimously nominated you for the Presidency, we have not faltered for one moment in our conviction that the people of the free States of your great republic would be true to their instincts and highest aspirations, and that their vote on the 8th of November, 1864, would prove them loyal to liberty, unity, and nationality.

Nobly have they responded to the claims of duty and humanity; and gloriously have they vindicated and illustrated the value and safety of popular representative government, proving themselves worthy of those free institutions and beneficent social arrangements that grow out of enlightened, educated, and civilized commonwealths.

The federal Union and Constitution are dearly and wisely prized by them as a sacred trust bequeathed by their forefathers, and ought not to be yielded in the spirit of compromise or concession to that system of cruelty and iniquity, human slavery, which has been the blot on your national reputation.

We mourn with you over the desolation that civil war is making among the families and homes of your people who have given their choicest sons, their bravest brothers, their best beloved of earth, and who are still heroically struggling to save the national life, with all that freemen hold dear, and that brave men cling to, equal, civil, and political liberty for men of all races, creeds, and countries; and we believe that they will succeed. Already, during the term of your first presidency, you have conquered for freedom an area of one million three hundred thousand square miles, which three years ago was claimed by the rebels, and doubtless your brave and patriotic armies will, ere long, wrest the remaining three hundred and forty thousand square miles from the grasp of the slaveholders' confederacy.

We rejoice in your re-election "because we have observed in your presidential career a grand simplicity of purpose, and a patriotism that knows no danger and which does not falter." We have recognized in you "an honest endeavor faithfully to do the work of your great office, and in doing it, a brightness of personal honor on which no adversary has yet been able to fix a stain." We believe that you have been raised up by the providence of God to rescue your nation from anarchy, disruption, and ruin.

By this election your people have pledged to the world their lives, their fortunes, and their sacred honor, that they will redeem your great country from the crime and curse of slavery; that it shall indeed, and without exception, be the home of the free and the brave; and that its government, in form and in administration, shall continue to be "the best and freest, the most equal in its rights, the most just in its decisions, the most lenient in its measures, and the most aspiring in its principles to elevate the race of men that the sun of Heaven ever shone upon."

We have deplored the undisguised sympathy which has been manifested towards the slave confederacy in this country; but we rejoice to be able to assure you that from the very com-

mencement of the struggle the great majority of the working classes and no inconsiderable proportion of the middle class, together with the profoundest thinkers of our country, have been true to the principles of right and liberty: and by their united voice have prevented any hostile action on the part of those who were only too anxious to recognize an empire based upon the "corner-stone" of slavery.

We are not unmindful of the fact that in advocating the full and complete adoption of the principles of civil, religious, and political liberty, the destinies of the peoples of this nation and of America are inseparably linked together; and we believe that we declare the conviction of all intelligent, honest, and unprejudiced lovers of liberty and justice, when we express our unshaken faith that you will crush the rebellion, restore the Union, maintain your national integrity, and thereby secure the priceless heritage of freedom to your people through all generations.

Adopted by the executive of the Union and Emancipation Society, Manchester, November 28, 1864.

THOMAS BAYLEY POTTER, *President.*
SAMUEL WATTS, *Treasurer.*
JOHN HART ESTCOURT, *Chairman.*
JNO. C. EDWARD,
EDWARD OWEN GREENING,
Honorary Secretaries.

Mr. Adams to Mr. Seward.

[Extract.]

No. 825.] LEGATION OF THE UNITED STATES,
London, December 1, 1864.

SIR: Lord Russell has sent me still another note in regard to the Deerhound. I forward copies of his note and of my answer.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, November 29, 1864.
2. Mr. Adams to Lord Russell, December 1, 1864.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *November* 29, 1864.

SIR: In acknowledging your letter of the 10th instant, I have no wish to prolong the controversy between us on the topic of the Deerhound and the rescue of Captain Semmes and other persons from drowning. On the general subject I refer you to the despatch which I have addressed to Lord Lyons, and of which I have had the honor to send you a copy in my note of this day.

There are, however, two points to which I wish to call your attention.

The first is, that you have omitted to notice the gist of my answer to your complaint.

The question is not so much whether the act of the commander of the Deerhound, in interposing to save from drowning Captain Semmes and other officers and men of the Alabama, was "a praiseworthy act of humanity," and whether any proposal to restore them to the hands of the victors in the struggle after they had reached the limits of this kingdom could be viewed only "as a violation of the duties of hospitality." These considerations, I say, are not so much at issue as the question, What is the legal obligation, with regard to these matters, of her Majesty's government towards the United States? On this question I affirmed—

1. That the municipal law of this kingdom gave the government no power or authority to deliver up to the United States Captain Semmes, his officers, and men.

2. That the law of nations does not impose upon the government of the United Kingdom the duty of delivering up to the United States persons in the condition of Captain Semmes and such of his officers and men as had taken refuge in this kingdom.

The next point regards the differences between the United States and Spain, to which I referred. I do not wish to go fully into it now, although I may hereafter do so in correspondence with the government of the United States. I will only point out at present the

nature of the complaint made by the Spanish minister in 1818, and the tenor of the principal article of treaty by which the differences between Spain and the United States were adjusted.

Señor de Onis, the Spanish minister at Washington, wrote, on the 16th of November, 1818, to the United States minister to the following effect: "Whatever may be the forecast, wisdom, and justice conspicuous in the laws of the United States, it is universally notorious that a system of pillage and aggression has been organized in several parts of the Union against the vessels and property of the Spanish nation," &c.

After a long negotiation the complaints of Spain were satisfied by a treaty signed on the 22d of February, 1819. Article IX of that treaty states that "the high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claim for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty."

Whether such a treaty would furnish any elements for negotiation between our two governments I am not prepared to affirm. But it can scarcely be said that this treaty arrangement for the mutual abandonment of claims constituted a specific grant of compensation to Spain by the United States for injuries complained of by Spain.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 1, 1864.

MY LORD: I have had the honor to receive your note of the 29th of November, in reply to mine of the 10th of that month, on the subject of the Deerhound.

The reason why I omitted to enter into the discussion of the main points of your lordship's note of the 26th of September was, that I had been directed by my government to present the conclusion to which it had come from a full examination of them, which appeared to render further argument on my part superfluous. Otherwise, it would have given me great pleasure to have examined the questions, 1st, How far the absence of statute law, depending on volition, can be urged in extenuation of the omission to fulfil the acknowledged obligations of international law; and 2d, How far the acknowledgment of the right of asylum by a neutral power is admitted by international law to tolerate the harboring of enemies, abusing that right, for the purpose of more effectually injuring the people of a friendly nation. But I forbear, because I have no authority to prolong the controversey, and I join with your lordship in adding that I have no such desire.

With regard to your lordship's notice of my reference to the treaty of the United States with Spain, as not sustaining the allegation contained in my note which foreclosed all possibility of drawing the parallel between the action of the two nations which was attempted in your note of the 26th of September, I may only be permitted to repeat my surprise that the passage referred to should even yet have so completely escaped your lordship's attention. Had you passed from the 9th article, which you quote, to the 10th, which recapitulates the claims released and surrendered on each side, you would have found on the part of Spain an express renunciation of four classes of claims, the two last of which are in the following words:

"3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York:

"4. To all claims of Spanish subjects upon the government of the United States *arising from unlawful seizures at sea* or within the ports and territorial jurisdiction of the United States."

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 826.] LEGATION OF THE UNITED STATES,
London, December 2, 1864.

SIR: It is with the most profound regret that, by a telegram received from *the medical* adviser of Mr. Dayton, I learn the intelligence of his death by

apoplexy last evening. More full information will, of course, be transmitted to you directly from the legation at Paris by the present steamer. I only express the general opinion when I add, that the country has lost in him one of its most valuable public servants, who has proved himself during this critical period a most able, judicious, and discreet representative abroad; thus fully justifying the action of the President in selecting him for a delicate duty. In the relations which I have had with him as a colleague during our residence in Europe, I am happy to say that I have found him uniformly courteous, active, and disposed to co-operation in every case where there was occasion.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1183.] DEPARTMENT OF STATE,
Washington, December 6, 1864.

SIR: You will receive herewith a copy of intercepted correspondence, which will be found to support the protests you have been instructed to offer to her Majesty's government against the use of the British provinces on our border as a base for aggression, robbery, and murder.

The original papers are in my hands. We know that they are genuine. You will use them as shall seem expedient. They are preceded by extracts from a report of Major General Augur, by whom the bearer of the illicit correspondence was arrested. That report describes the intercepted correspondence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

HEADQUARTERS DEPARTMENT OF WASHINGTON, 22D ARMY CORPS,
Washington, D. C., November 12, 1864.

* * * * * * * * *

In conjunction with Colonel Wells I have examined the papers found upon his person, and herewith transmit them for the consideration of the War Department. They are as follows, viz: Two envelopes and enclosures. The first of these envelopes has no address written upon it, but bears upon its reverse a seal in red wax, impressed apparently by an ordinary signet-ring. Though the wax has been somewhat broken, the letters C. C. C. jr., or the main portions thereof, can be made out. This envelope contains two enclosures. The first is a letter upon a single sheet of white note-paper, of a very thin description, like the envelope which contains it. This letter is dated St. Catharine's, Canada West, and is addressed to "My Dear Ginnie." It is also marked No. 20 at its head, but has no signature. At the bottom of the 4th page is a sort of postscript, marked H. L. C., and urging that an immediate answer should be sent. There is also posted at the head of the note a "Personal," cut from some newspaper, addressed to "Mrs. Caroline V. Tracy," and signed "T. E. Lacy."

The second enclosure in this envelope is a letter written upon one and a half sheets of thin blue letter-paper, also dated at "St. Catharine's, Canada West, November 1," addressed to the "Hon. J. P. Benjamin, secretary of state, Richmond, Va." It relates to the recent attack upon St. Albans, Vermont; and also to one Captain Cole, a rebel officer, captured on the United States steamer Michigan, and appeals to the confederate government to recognize and acknowledge the acts of these parties. This first envelope and its two enclosures I have marked letter A. The second envelope is also of thin white paper, but bears neither seal nor address. It contains three enclosures; first a thin piece of blank blue paper covering two letters. The first of these letters is dated "October 31, 1864," without the name of the place at which it was written. It is addressed at the top, "My own Dearest," and is signed, "Your devoted husband," but without the name of the writer.

This letter, as well as its companion in the same envelope, is written upon thin blue letter-paper, precisely like that contained in the envelope marked A. The other letter in this

second envelope bears neither date nor address at the top, but is headed "Extract from the proposition of ———, sent forward." It relates to the proposition of a party in the United States to furnish provisions for the rebel army, on the Mississippi river, and at places within General Butler's department. The second envelope and its enclosures I have marked B.

I have the honor to be, very respectfully, your obedient servant,

C. C. AUGUR,
Major General Commanding.

Hon. E. M. STANTON, *Secretary of War.*

[Copied from a pressed copy that is in many places illegible.]

[1864—No. 20.]

ST. CATHARINE'S, C. W., *Tuesday, November* 1.

[Printed advertisement pasted on.]

MRS. CAROLINE V. TRACY, care of Major Cowan, Macon, Ga.: Don't sail or join me unless Lawson says I must stay. I hope to return in November. I have written weekly. None from you since June 30. Have seen Jennie.

T. E. LACY.

(Richmond Enquirer and Macon Telegraph please copy.)

MY DEAR GINNIE: I am disappointed, mortified, and distressed, and almost dead this morning at receiving not one line from you or any kin in Dixie. It is 8 o'clock a. m. I arose an hour ago, dressed, and went to the post office for letters, as our mail from Halifax was due. I returned with three for Bev. Tucker, from his wife, of 13th, 20th, and 30th ult., one from his daughter, and two from friends—six letters from home; and thus it has been ever since I reached here. He gets his regular mail, with three or more letters from his wife and as many from others. I've received one letter from Lawson and two from you since I reached Canada, the last dated 30th June. These are all I have got since in Canada; and six letters from you since leaving you six months ago are all ever received. Now, am I not encouraged to write and to write often by tender appeals or monitions for intelligence of me? Am I not repaid for writing regularly every week or ten days to you, determined to take every chance of communicating with you? The only thing I have heard from you, save through others, since yours of 30th June, which reached me 15th September, was your personal of 20th September, which reached me at Quebec, where I had gone on business on 13th December. I immediately enclosed to Jennie my answer to it and $10 to pay for yours and mine. It will not, however, appear in the News till 29th October. I know not what was then addressed to Caroline Tracy. I enclose it; but you will get it and understand. I have also since sent a personal to Colonel H. L. Clay, which I hope he and you will see, inquiring, "Can I return at once? If not, let my wife come to me by flag-of-truce boat, *via* Washington city, if she can; but not otherwise." I was surprised and distressed by your personal. As I told you, the President did not expect me to stay longer than the early part of this month, and you knew it would require quite a month, under favorable circumstances, to get to me. I could not understand why you should come to me to go back immediately. I inferred either that you had learned I was to stay here all winter, or that you did not hear from me, or that some fresh affliction had come upon you, that made you feel like flying to me for comfort. Oh, what anxiety and suspense I have endured! Money cannot compensate for it. If I could only have had a personal every two weeks of about two words only—*all well*—I should have been quite cheerful. As it is, in utter ignorance of the condition of her I love best, whether living or dead, sick or well, in comfort or in want, contented or miserable, I cannot but feel disquieted and anxious, and rather unhappy. God grant you and all my dear kin life, health, comfort, and content, until we meet again on earth, is my daily and nightly prayer.

I sent you immediately after getting your letter by Bev. Tucker all the articles you wrote for, and several more for yourself, dear Lestia, and Matt. They reached Halifax, were sent by the Ellen, which got into the port of Wilmington, and I therefore trust have been long since delivered to you by the express company, by whom they were to be carried thence. I also sent a magnificent fan, a present from George N. Sanders, and two very superior pairs of winter shoes, some six or eight weeks since. I again sent you, about two weeks ago, a package of flannel, Balmoral, dresses, stockings, gloves, collars, cuffs, &c., among them the best black silk I could find here. Accompanying each I have written to you at length. The last was the most valuable of the packages sent. I hope you have got them all and enjoy them very much. Some of these last articles were for dear Lestia, as you will see, if they ever reach you. I shall send this by an underground railroad, addressed to Lawson, who will open, read, and forward to you forthwith. I hope, too, if in Georgia, *he will telegraph you, on receipt of letter, that he has it, that they are well, and that he has forwarded it by express; for I mistrust the mails.* My health continues very good, notwithstanding my anxiety and distress, and I certainly look better than for many years. I intend, if I am not instructed to remain, to leave here for Halifax by the —— instant at farthest, and to try my

best to get to you as soon as possible. But Wilmington is so closely blockaded now that it is very hard to get in, and I may be captured in trying to do so; and if Fisher and Caswell are taken, or the enemy get over the bar with war vessels, I may have to go to Galveston, Texas, or even to ———, and across the Rio Grande, which may require some months ere you can hear from me. I think I shall try Wilmington, if any-blockade runner ventures in after I get to Halifax. If it is desired that I stay here through the winter, you must try and get a safe conduct and come to me by flag of truce through the United States. I cannot endure the thought of living till spring without you. I trust I shall get an answer to my personal to Lawson from him saying, "*You can return*," or "*You must stay*," so as to settle my purpose. Jake says he will stay till March; but I won't, unless desired by the President. Something may turn up to change my views. I trust Lawson will receive this by the bearer, sealing it as this is, so as to show if it has been tampered with. I write on this thin paper, and put in as thin an envelope, and seal with a friend's seal, (C. C. C., Jr.) Let Lawson say what seal he puts on the answer, and urge the secretary to give the bearer their answers as soon as possible. L.'s answer need not be signed by him, and may be addressed to Bevins Giles, St. Catharine's, C. W. Now, I am sure you have written to me at least twice a month. Try now personals and letters one page long, by flag of truce, to Mrs. R. E. Coxe, (wife of our friend,) Poughkeepsie, New York, and sign your name distinctly, Caroline V. Tracy, so that Mrs. Coxe may know who you are. With love to you and my kin and servants (!,) and invoking God's blessing on you all, I am, as ever, yours, with more love and reverence than should be given to any earthly creature. Farewell—I hope not a long farewell—my precious, darling Ginnie.

H. L. C.:

Hand the within as directed immediately, and send answer of secretary within twenty-four hours from delivery.

ST. CATHARINE'S, C. W., *November* 1, 1864.

SIR: You have doubtless learned through the press of the United States of the raid on St. Albans, Vermont, by about twenty-five confederate soldiers, nearly all of them escaped prisoners, led by Lieutenant Bennett H. Young; of their attempt and failure to burn the town, and of the robbery of three banks there of the aggregate amount of about $180,000; of their arrest in Canada by United States forces, their commitment, and the pending preliminary trial. There are twelve or fourteen of the twenty-five who have been arrested, and who are now in prison at Montreal, where the trial for commitment for extradition is now progressing. A letter from Hon. J. J. M. Abbott, the leading counsel for the prisoners, dated Montreal, 28th October, says to me: "We" (prisoners' counsel) "all think it quite clear that the facts will not justify a commitment for extradition under the law as it stands; and we conceive the strength of our position to consist in the documents we hold establishing the authority of the raiders from the Confederate States government. But there is no doubt that this authority might be made more explicit than it is, in so far as regards the *particular* acts complained of; and I presume the confederate government will consider it to be their duty to recognize officially the acts of Lieutenant Young and his party, and will find means to convey such recognition to the prisoners here in such a form as can be proven before our courts. If this were accompanied or followed by a demand upon our government that the prisoners be set at liberty, I think a good effect would be produced, although, probably, the application would not be received by the authorities. There will be at least a fortnight's time, and probably more, expended in the examination of witnesses, so that there will be plenty of time for anything that may be thought advisable to be done in behalf of the prisoners." I met Mr. Young at Halifax, on my way here, in May last. He showed me letters from men whom I knew by reputation to be true friends of State rights, and therefore of southern independence, vouching for his integrity as a man, his piety as a Christian, and his loyalty as a soldier of the south. After satisfying me that his heart was with us in our struggle, and that he had suffered imprisonment for many months as a soldier of the Confederate States, from which he had escaped, he developed his plans for retaliating some of the injuries and outrages inflicted upon the south. I thought them feasible and fully warranted by the law of nations, and therefore recommended him and his plans to the secretary of war. He was sent sent back by the secretary of war with a commission as second lieutenant, to execute his plans and purposes, but report to Hon. ——— and myself. We prevented his achieving or attempting what I am sure he could have done for us, and which may be fully explained hereafter. Finally, disappointed in his original purpose, and in all the subsequent enterprises projected, he purposed to return to the Confederate States, *via* Halifax, but passing through the New England States and burning some towns and robbing them of whatever he could convert *to the use of the confederate government.*

This I approved as justifiable retaliation. He attempted to burn the town of St. Albans, Vermont, and would have succeeded but for the failure of the chemical preparations with which he was armed. Believing the town was already fired in several places, and must be destroyed, he then robbed the banks of all the funds he could find, amounting to more than

$200,000. That he was not prompted by selfish or mercenary motives, and that he did not intend to convert the funds taken to his own use, but to that of the Confederate States, I am as well satisfied as I am that he is an honest man, a true soldier and patriot; and no one who knows him will question his title to this character. He assured me, before going on the raid, that his efforts would be to destroy towns and farm-houses, not to plunder or rob; but, he said, if after firing a town, he saw he could take funds from a bank, or anything which might inflict injury on the enemy and benefit his own government, he would do so. He added, most emphatically, that whatever he took should be turned over to the government or its representatives in foreign lands. My instructions to him, oft-repeated, were, "to destroy whatever was valuable—not to stop to rob; but if, after firing a town, he could seize and carry off money or treasury or bank notes, he had a right to do so, upon condition that they were delivered to the proper authorities of the Confederate States." That they were not delivered according to his promise and intention was owing, I am sure, to the failure of his chemical compound to fire the town, and to the capture of himself and men on Canadian soil, where being surprised and overpowered by superior numbers from the United States. On showing me his commission and his instructions from Mr. Seddon, which were of course vague and indefinite, he said he was authorized to do all the damage he could to the enemy in the way of retaliation. If this be true, it seems to me the Confederate States government should not hesitate to avow his act was fully authorized as warrantable retaliation. If the government do not assume the responsibility of this raid, I think Lieutenant Young and his men will be given up to the United States authorities. If so, I fear the exasperated and alarmed people of Vermont will excite cruel and summary vengeance upon them before they reach the prison of St. Albans.

The sympathies of nine-tenths of the Canadians are with Young and his men—a majority of all the newspapers justify or excuse his act as merely retaliation—and they desire only the authority of the Confederate States government for it to resist their extradition. The refusal of extradition is fully warranted by the like course of the United States in many cases cited lately in the Canadian papers, which I cannot now repeat, but which you can readily find. The refusal of extradition would be of a salutary political influence it is thought, both in the British provinces and in England. I cannot now explain why. I trust, therefore, for the sake not only of the brave soldiers who attempted this daring exploit, which has caused a panic throughout the United States bordering on Canada, and the organization of forces to resist, as well as the arbitrary and tyrannous order of General Dix touching the coming presidential election, but for the sake of our cause and country, that the President will assume the responsibility of the act of Lieutenant Bennett H. Young, and that you will signify it in such form as will entitle it to admission as evidence in the pending trial.

I send the special messenger who bears this that your answer may be brought back by him within ten days, or by the 11th instant. The final judgment can and will be postponed for the action of the Confederate States government as long as possible, certainly for ten days.

I avail myself of this opportunity to bring to your notice the case of Captain Charles H. Cole, another escaped prisoner of General Forrest's command, who was taken about six weeks since in the Michigan, (the federal war steamer on Lake Erie,) and is charged with an attempt at piracy, (for attempting to capture the vessel,) with being a spy, &c. The fact is, that he projected and came very near executing a plan for the capture of that vessel and the rescue of the prisoners on Johnson's island. He failed only because of the return of the Captain (Carter) of the Michigan a day sooner than expected, and the betrayal (in consequence of C.'s return) of the entire plot. The only plausible ground for charging him with being a spy is, that he was in Sandusky, on Johnson's island, and on the Michigan frequently, without having on his person the confederate uniform, but wearing the dress of a private citizen. Mr. ——— and I have addressed a letter to the commandant at Johnson's island, protesting against his being treated as a spy, for the following reasons: "That he was in the territory of the United States as a prisoner against his consent; that he escaped by changing his garb; that he had no confederate uniform when he visited Sandusky, Johnson's island, and the Michigan; that he did not visit them as an emissary from the Confederate States; that whatever he conceived, he had not executed anything; that he had conveyed no information to his government, and did not contemplate conveying any information to the government." His trial has been postponed. I know not why, or for what time. His exchange should be proposed, and notice given that any punishment inflicted on him will be retaliated upon an officer of equal rank. He is a very brave and daring soldier, and patriotic, and deserves the protection of his government.

I wrote to you on the 14th June, to the President 25th June, and to you on 11th August and 12th September last. I trust you received those letters. Mr. ——— (who I see has gotten into the Confederate States) has doubtless explained things here. I have never received a line from you or any person excepting my brother at Richmond. I have not changed the views expressed in my former communications. All that a large portion of the northern people, especially in the northwest, want to resist the despotism at Washington is a *leader*. They are ripe for resistance, ***and it may come soon after the presidential election.*** At all events it must come, if our armies are not overcome and destroyed or dispersed. No people of the Anglo-Saxon blood can long endure the usurpations and tyrannies of Lincoln. Democrats are more hated by modern republicans than southern rebels, and will be as much outraged

and persecuted if Lincoln is re-elected. They must yield to a cruel and disgraceful despotism or fight. They feel it and know it.

I do not see that I can achieve anything by remaining longer in this province: and unless instructed to stay, shall leave here by the 20th instant for Halifax, and take my chances for running the blockade. If I am to stay till spring I wish my wife to join me, under flag of truce, if possible. I am afraid to risk a winter's residence in this latitude and climate.

I need not sign this; the bearer and the person to whom it is addressed can identify me; but I see no reason why your response should not be signed and sealed, so as to make it serviceable as suggested in respect to the St. Albans raid. A statement of prisoners' counsel has been sent by way of Halifax and Wilmington, but it may never reach you, or not in time for the deliverance of the prisoners. This is my chief reason for sending this by one I think I can trust.

Please reply promptly, and start the messenger back as soon as possible. He will explain the character of his mission. Send under a seal that cannot be broken without being discovered.

I am, respectfully, your obedient servant.

Hon. J. P. BENJAMIN, *Secretary of State, Richmond. Va.*

N. B.—See the secretary of war, (Mr. Seddon,) touching Young's case.

B.

OCTOBER 31, 1864.

MY OWN DEAREST: The party taking this leaves here to-night. If he reaches you safely he will deliver most important communications from Mr. C. and myself. I must ask you and May to copy mine in *large* handwriting, that it may be easily and *intelligently* read. R. will show it you. If either or both the plans are acceded to, I must remain here during the winter, and, therefore, I must beg you and A. to join me if you can come through the *north;* if not, do not *attempt the blockade;* it is too perilous, and I should be wretched to think you were coming that way. If these plans, which I have labored to perfect as I never labored before in all my life, are not adopted, then I can see no further object in my remaining here, and you need not join me, but I will *you* as soon as possible. I do not, however, anticipate a refusal by the department to acquiesce, for all our friends here whom I have consulted consider the plan most eligible and fortunate for the government. Indeed, this will be in a short time *at least* the *only* course we have left open. If all is well, therefore, I shall expect you to leave as soon as you conveniently can after you have been informed of the favorable entertainment of the enterprise.

I received all your letters written at Afton, in September, down to your letter of the 30th September, the day you returned to Richmond, *this morning*, and what a glorious, comforting treat they were to me! Tell Mr. —— his usual *scratch* note, which I managed better to read than usual; and that I will send his letter to Miss K. promptly. Tell him she paid me a visit, taking lunch with me, and leaving me a shawl for him, which I will send or bring him when I can. She seems to be very devoted to him. I sent him a letter from her via Halifax, or Washington.

How thankful I am, my own love, that our kind Father in heaven has preserved our dear boys through so many changes, and you, my own precious darling, and little A., and dear E., in health and christian patience through so many trials and privations. O! may He give me a grateful and humble heart for all his wonderful mercies towards me—unworthy, sinful creature that I am.

Mag's letter, by flag of truce, of 17th of October, is the latest intelligence from you. I shall send a personal directed to little A. to-morrow, which you may get before this. Do stir R. to attend to my business promptly and energetically and with life and spirit. I would do as much, and a thousand times more, for him were it in my power. I sympathize truly with J. W. Tower and his family. Give him my love. How blessed are we in the dispositions and *habits* of our boys. I hope you have received before this the shirts, hats, cloth, the shoes sent you, all from Toronto; the cavalry boots and uniform for Jim, and fifty dollars in American gold, sent you by the Hon. J. P. K., who I see got safely in, although the steamer was lost, and Mrs. Grenhowe and other lives.

I have tried to communicate with my dear sister and send her a little gold, but have been wholly unsuccessful in both. May the Father to whom she is so faithful have her and her dear ones, to the third generation, in his holy keeping. I am grieved to hear our noble, brave boy is so destitute of clothes, but hope ere this his wants have been supplied. I am surprised that the president has not even replied to your application for a cadetship for him. Don't give it up. General Custis Lee might help you.

My thumb is entirely well, but I have given it, of necessity, a great tax this morning, having been writing for five or six hours without resting. I shall await anxiously replies to these, particularly as reunion with my darling depends upon it. May God bless you.

Yours, &c.

Extract from the proposition of ———. (Sent forward.)

He promised, by showing me to my entire satisfaction that the parties whom he represents, and is connected with, are powerful and influential with the government of the United States. He says, through the influence of the parties referred to, I have arranged to get at least one-half supplies, (meat,) the other half greenbacks, for all the cotton your (our) government may feel disposed to part with—the first five or ten thousand barrels of pork or bacon to be landed at any port Mr. Seddon may designate, on the east side of the Mississippi, or as much more on the west side, if General Kirby Smith, or any other confederate commander, needs them. After this delivery the way is perfectly clear to deliver anywhere within General Butler's department. It must, of course, be obvious to you (me) that a concession so great was made only with the understanding that it should be kept with the most sacred secrecy: and although it presents upon its face a general rule for the sake of protecting the Executive (Mr. Lincoln) to whom alone we are indebted—the main intention is that it should be carried out by my (his) own friends, and such others as only will be useful to us. In order, then, that we may have the fullest benefit from the arrangement, I would suggest that what may be done shall be done in the name of a single individual, or his agent, so far as the delivery of the supplies and the receipt of the cotton are concerned; touching the disposition of the portion paid in *funds*, this can be received and disposed of as you (the department) may determine—either in the United States, or in Europe, or in the Canadas, by instant conversion into

To show how thoroughly the enterprise has been arranged, there are now 10,000 barrels of pork purchased and ready for shipment, the moment the details are perfected, &c., &c.

It was then purposed to get me a pass to go through the lines, but in this I fear they have failed, and that the alternative course has been adopted, to wit, sending the goods by the hand of Mr. D. Preston Parr or Mr. Iolosa. We —— to the plan. I would urge through you upon the department, first, that the only objectionable feature in it consists in the receiving greenbacks for one-half of the cotton instead of provisions for the whole, for the reason that it is the policy of the government (ours) not to trade in the currency of the enemy or countenance such trade by the people. The wisdom of the regulation in the abstract is clear. Indiscriminate barter in this money would of course be seductive and dangerous. But this objection does not lie with the same force in operations of government; and if it did, it is weakened if not wholly removed by the fact that these funds need not and would not enter into the circulation within our own country, but could be paid over to agents designated by the government, either in the United States, Canada, or Europe, and at once be converted into sterling. Thus their possession and immediate conversion would place foreign funds at any point desired, either for purchase, payment of interest, &c., &c. Again, the programme submitted commends itself to favorable consideration, as that it is indorsed by the highest official in the United States government. Certainty of execution and expedition are thus secured. Our ability and facility for producing this kind of provisions are daily becoming more circumscribed and precarious by the presence of large armies and their destructive raids in the rural districts. We are left, then, mainly to rely upon what may be introduced through the blockade; but we may be said now to have only one port where the success of blockade-running is at all commensurate to the risk incurred. This port is Wilmington; and we have it from the most indubitable source that great efforts will presently be made to capture Wilmington; or, failing in this, to seal far more rigorously her port. Where, then, are we to look for those indispensable supplies, if not through the cupidity and avarice of our enemies? To gratify them is as hateful to me, I trust, as to any compatriot in my land; but starvation, or even scanty or uncertain rations to our patient, enduring, and excellent army is a more fearful and abhorrent alternative. Under these circumstances I think it behooves us to embrace the opportunity offered to supply ourselves with the great necessity. I believe it is, if not the *only*, the surest and most expeditious mode of accomplishing the object upon a sufficient and certain scale.

The *provision question* in the terrible struggle for our national existence is one, if not the greatest, we have had to solve; and if my mission shall result in the inauguration of a plan for the certain subsistence of our noble armies, I shall be as thankful to God as if I had achieved a successful military campaign. Should it, on the other hand, be attended with failure, (albeit no fault of mine if these plans are not accepted,) I should never feel happy if I had not remained to share the discomforts, danger and trials of the humblest soldier in our ranks. Independent and outside of this I have made a contract with a party by which supplies of meat will be furnished at *Mobile by written permission of the President of the United States to the free passage of the blockading fleet at that port.* The first steamer has already sailed, but she only carried 300 barrels of pork—the rest assorted cargo: but I am assured by the party "that if there is no delay or difficulty at Mobile the steamer's trips will be hereafter from New Orleans, where cargoes of meat provided from St. Louis will go rapidly in and receive cotton upon the terms of my order, a pound of cotton for a pound of meat." He then proceeds to say: "If this arrangement fail, it will be because of difficulties on the other side; *meaning with us!* My contract with the party is for the delivery of 5,000,000 of pounds; and this is in accordance with the order. But there are other important considerations in this plan. *The President authorizes the breaking the blockade.* What complications may not

be produced by this with foreign governments?" I gave the party a letter to the military, naval, and civil authorities, requesting safe ingress and egress for any ship or steamer or vessels of any character under the provisions of my contract.

Under these circumstances, and Judge C. desiring to send a special messenger home, I have united with him in sending, at much expense, a young man whom we believe to be sound and trustworthy. His engagement is to go directly through, deliver these and other papers, and return to us with replies. Accordingly I send him at once to *you*, believing that public and personal considerations will impel you to lay before the secretary with great promptness, reading them to him yourself, suggesting that he advise the authorities at Mobile without delay of such an arrangement, that their aid and co-operation will be given to such deliverances, &c., &c. You will know, by a reference to boyhood's days, at the conclusion of this, that it is *genuine*, and that the party who bears it is "all right." Any replies you have to send let them be written on as thin paper as possible, and *sealed* with your large seal, that I may be equally secure that the communications are genuine, and have not been tampered with. God bless you and yours and all *ours*, and deliver us and our bleeding country from the hands of our enemies!

Do you recollect Ottie Harrison, and how much *like me* you thought him because he was rough? "Oh, but no rougher than you; no, but big."

You had better get dear J. & M. to copy this distinctly and in *large writing*. I have written it thus for obvious reasons.

OCTOBER 31, 1864.

Mr. Adams to Mr. Seward.

No. 830.] LEGATION OF THE UNITED STATES,
London, December 8, 1864.

SIR: I transmit herewith a copy of the London Times containing a report of the proceedings in the Court of Queen's Bench in the case of the Crown against Mr. Rumble. It will be seen that the matter went off, for the moment, on a side issue. An adjournment was made to enable the defendant to fortify himself against unexpected evidence. There is no reasonable doubt of his guilt, but it is equally certain that great efforts will be made to get him clear.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of December 6, 1864.]

COURT OF QUEEN'S BENCH, WESTMINSTER, DECEMBER 5.

(Sittings at Nisi Prius, before the Lord Chief Justice and a special jury.)

THE CASE OF THE RAPPAHANNOCK.

THE QUEEN *vs.* RUMBLE.

This was an indictment, under the foreign enlistment act, against an officer in her Majesty's dock-yard at Sheerness, for assisting in the manning and equipment of a vessel-of-war, with intent that she should be engaged in the service of the Confederate States. The case had arisen thus: In November last year a war-steamer, called the Scylla, a gunboat of 500 tons, carrying six guns, was sold by the admiralty at Sheerness. Soon afterwards she was found to have got into the hands of persons who were fitting her out for the confederates; and, in fact, she was taken over to Calais, and there hoisted the confederate flag, and was called the Rappahannock. An inquiry before the magistrates was thereupon instituted by the government, which was conducted by Mr. W. V. Harcourt, and the result was, that in January last the defendant was committed for trial on charges under the foreign enlistment act: "That he did unlawfully hire, retain, engage, and procure, and attempt and endeavor to hire, retain, engage, and procure divers persons to enlist and enter and engage to enlist and serve and be employed in the service of and for and in aid of certain foreign States, provinces, and people, commonly called the Confederate States of America, and of the persons assuming to exercise the powers of government in and over the said States, &c., as sailors and otherwise in sea-service for, under, and in aid of the said foreign States, &c., and the persons assuming to exercise powers of government in and over the said States, &c., and to go and agree to go and embark from the port of Sheerness for the purpose and with the intent to be enlisted, contrary to the statute in such case made and provided." And, further,

that he did unlawfully, and without the leave and license of her Majesty, equip, furnish, and fit out, and knowingly aid and assist, and was concerned in the equipment, furnishing, and fitting out of a certain ship called the Victor, otherwise called the Scylla, otherwise called the Rappahannock, with the intent and in order that the ship should be employed in the service of certain foreign States, provinces, and people, commonly called the Confederate States of America, and of the persons assuming to exercise powers of government over the said States, provinces, &c., and with intent to cruise and commit hostilities against the United States of America and the subjects and citizens of the said United States, with whom her Majesty was not then and is not now at war, contrary to the statute in such case made and provided. The charges thus made, it will be seen, involved some of the questions raised in the case of the Alexandra as to equipment, and also other questions under the provisions in the statute relating to enlistment; and though the charges as thus stated by the magistrates appear short and simple enough, they were, necessarily, for the purposes of indictment, expanded into a great number of counts, to hit the various words of the statute under each head of charge. To understand the charges against the defendant and the indictment it is necessary to know the enactments of the statute. The statute (59th George III, chap. 69) is entitled "An act to prevent the enlisting or engaging of his Majesty's subjects to serve in a foreign service, and the fitting out or equipping in his Majesty's dominions vessels for warlike purposes, without his Majesty's license;" and the preamble recites that "the enlistment, &c., or equipping, &c., for warlike operations in or against the dominions of a foreign state may be prejudicial, and tend to endanger the peace and welfare of the kingdom;" and then the second section provides that "if any natural-born subject of his Majesty, without the leave and license of his Majesty, shall enlist or enter himself to enlist, or shall agree to enlist, &c., to serve as a soldier, or to be employed, or shall serve in any warlike operation, in the service of or for or under or in aid of any foreign prince, state, &c.; or accept or agree to take or accept any commission, warrant, or appointment as an officer, or shall enlist or enter himself, or shall agree to enlist or enter himself, to serve as a sailor or marine, or to be employed or engaged, or shall serve in or on board any ship or vessel-of-war, or in or on board any ship or vessel used or fitted out, or equipped, or intended to be used for any warlike purpose, in the service of or for or under or in aid of any foreign power, prince, state, &c., or engage, contract, or agree to go, or shall go, to any foreign state, country, &c., with an intent or in order to enlist or enter himself to serve, or with intent to serve, in any warlike or military operation whatever, whether by land or sea, in the service of or for or under or in aid of any foreign prince, state, &c., or as an officer or a soldier, or in any other military capacity, or as an officer, or sailor, or marine, in any such ship or vessel as aforesaid, although no enlisting money, or pay, or reward shall have been or shall be in any or either of the cases aforesaid actually paid to or received by him, or by any person to or for his use or benefit; or if any person whatever within the United Kingdom of Great Britain and Ireland, or any part of his Majesty's dominions elsewhere, &c., shall hire, retain, engage, or procure, or shall attempt or endeavor to hire, retain, engage, or procure any person or persons whatever to enlist, or enter, or engage to enlist, or to serve or to be employed in any such service or employment as aforesaid as an officer, soldier, sailor, or marine, either in land or sea service, for or under or in aid of any foreign prince, state, &c., or to go or to agree to go or embark from any part of his Majesty's dominions, for the purpose or with intent to be enlisted, entered, engaged, or employed as aforesaid, whether any enlisting money, pay, or reward shall have been or shall be actually given or received or not—in any or either of such cases every person so offending shall be deemed guilty of a misdemeanor," &c. Then comes the celebrated section 7 as to equipment of vessels:

"That if any person within any part of the United Kingdom, or in any part of his Majesty's dominions beyond the seas, shall, without the leave and license of his Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, &c., or shall within the United Kingdom or any of his Majesty's dominions, &c., issue or deliver any commission for any ship or vessel to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, &c., and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition and stores which may belong to or be on board of any such ship or vessel, shall be forfeited."

Such are the principal provisions of the statute on the subject. It is to be observed that, as the vessel got safely away, it was impossible to take proceedings, as in the case of the Alexandra, for a forfeiture. Such proceedings would have been, as in that case, in the court of exchequer. The present proceedings were on the penal part of the above enactments, which not only entail a forfeiture, but also render the parties concerned punishable for a misdemeanor. Therefore, the proceeding is by way of indictment and in this court. The indictment was one of enormous length, comprising 166 counts, of which it may suffice to give a brief but careful analysis. In a general way, it may be said to be divided under two heads—the first and larger portion relating to the enlistment of men; the second, as to the

equipment of the vessel. The general analysis is this: The first ten counts charge the defendant with an offence under the second section, in hiring, &c., one Maloney. The 110 following counts charge him with a similar offence with reference to the ten other men. The next 16 counts charge him under the same section with counselling and procuring four of the men to enlist and enter themselves to be employed in the confederate service. The remaining seven counts charge him under the seventh section with equipping, furnishing, or fitting out the vessel, or with attempting to equip, fit out, or furnish her. This general analysis, however, will hardly suffice to enable the reader to follow the case without a more particular analysis. The first six counts charged that the defendant did procure, &c., one Maloney to enlist, &c., and to engage to enlist, &c., and to go and embark with intent to be enlisted, &c., (varying the counts to meet the words of the statute,) "as a sailor on sea service" in aid of the Confederate States. The next four counts, from the seventh to the tenth, charge that the defendant did procure, &c., Maloney to be employed, &c., in warlike operations by sea in aid of the Confederate States. Then follow ten sets of similar counts, (11 to 124,) each set the same as the first ten, charging that the defendant did procure, &c., to be enlisted either "as a sailor in sea service," or in warlike operations by sea, one of ten other men, named Frith, Ginno, Hurford, Brooks, Bailey, Goode, Newton, Spendiff, Thompson, Hall, and Shaw. These are the counts under the statute—the foreign enlistment act itself. Then come four sets of counts, each of four counts, (121 to 136, inclusive,) which charge a misdemeanor at common law, in counselling four of these men—Brooks, Maloney, Goode, and Newton—to enlist and serve. Each of these sets of counts charges that the defendant did counsel and procure (one Brooks, &c.) a natural-born subject, &c., without the leave or license of her Majesty, to enlist, &c., and to serve, &c., "on board a certain ship-of-war intended to be used for warlike purposes" in aid of the Confederate States. Then came several sets of counts (137 to 166) upon the equipment clauses of the statute. The first set charge that the defendant, without leave or license, did equip, furnish, and fit out a certain ship with intent that the same ship should be employed in the service of the Confederate States, with intent to commit hostilities against the United States; and one count (139) charges that he did "equip, furnish, and fit out" a vessel with intent to commit hostilities against the United States. The next set (140 to 148) are the same as the last three, except that they charged that the defendant "did attempt and endeavor to equip" or "furnish" or "fit out"—one of the three counts charging an attempt to "equip," a second an attempt to "furnish," and a third an attempt to "fit out." Then follow a set of counts (149 to 157) the same as the last nine, (*i. e.*, as 139 to 148,) except that they allege that the defendant did procure to be "equipped" or "to be furnished" or "to be fitted out," &c. The last set of counts (158 to 166) are the same as the nine preceding, except in alleging that the defendant "did aid and assist and was concerned in the equipping" or "the furnishing" or "fitting out" of a vessel with intent that the same should be employed in the service of the Confederate States, or with intent to commit hostilities against the United States. Such is the analysis of the numerous counts in the indictment. It only remains to give the first count as a specimen of their form and frame. It charges that the defendant, on the 24th of November, 1863, within the United Kingdom, at Sheerness, in the county of Kent, unlawfully and wilfully did hire, retain, engage, and procure one Maloney to enlist as a sailor in sea service (or "to go and embark from that port with intent to be enlisted," &c.) for, under, and in aid of certain persons assuming to exercise the powers of government in a certain foreign country—that is to say, for, under, and in aid of the Confederate States of America. It will be observed that the matter occurred at Sheerness, and the offences are said to have been committed there, and ordinarily the indictment would have been preferred and the trial had at the assizes for the county of Kent; but the foreign enlistment act expressly provides that the indictment may be preferred in the Court of King's Bench, and, on account of the importance of the question which it involves, it was accordingly so preferred, and the bill or indictment was found or presented by a grand jury of Middlesex in last term—that is, in the month of June. The grand jury were charged by the senior puisne judge of this court, Mr. Justice Crompton, and we fully reported his charge at the time. The grand jury having found the bill of indictment, the defendant pleaded "not guilty," and the case was set down for trial Of course it could only be set down in its order, and in that order it now came on for trial.

The solicitor general, Mr. Lush, Queen's counsel, Mr. Hannen, and Mr. W. V. Harcourt appeared on the part of the Crown; Mr. Bovill, Queen's counsel, Mr. Karslake, Queen's counsel, Mr. Serjeant Ballantine, Mr. Macnamara, and Mr. Gifford were for the defendant.

On the jury being sworn, Mr. Harcourt briefly opened the case, stating that it was an indictment under the foreign enlistment act, to which the defendant had pleaded "Not guilty."

Mr. Bovill suggested that the witnesses be out of court.

The solicitor general at once assented, suggesting one or two exceptions, to which the learned counsel at once assented. The solicitor general then proceeded to state the case to the jury. This, he said, is a prosecution under the foreign enlistment act—a statute passed, as the preamble states, for the better preservation of the peace of the country, and therefore a statute of great importance to the welfare of the kingdom. Gentlemen, when I tell you that the defendant was an officer in her Majesty's service as inspector of floating machinery at Sheerness you will readily believe, I am sure, that this prosecution has been instituted by the government with much pain and regret. But when you hear the nature of the case, and

when you hear the evidence, you will see that the government had no choice, but that it was their imperative duty to submit this case to the consideration of a jury. Gentlemen, I will first call your attention to the provisions of the statute, and then I will endeavor to make a short but succinct statement of the facts of the case. The learned solicitor general then cited the statute at length, beginning with its title and preamble, and then the various provisions as above set forth. These he commented upon as he read them. He observed that the legislature had undoubtedly used a great number of words, and it might be a question whether the multiplicity of words tended rather to elucidate or to obscure the meaning. But, at all events, it is abundantly obvious that it was intended to prohibit the mischief against which the act was directed, as appears by its title and preamble—that is, any of the Queen's subjects being engaged in military service or warlike operations under any foreign state or power. Now, gentlemen, I will state—not argue—the view which the Crown take upon the construction of the statute. Their view is shortly this: that any equipment of a vessel with the prohibited intent is the offence created by the statute; that is, in other words, that it is not necessary that the equipment should be itself of a warlike character, but that if any person equips or aids in the equipment of a vessel by providing her with sails or rigging, or motive power, engines, or boilers; in fact, if he assists in any equipment whatever, he is guilty of an offence under the statute, provided always that it be proved that any equipment which he was a party to was made with the intent that the vessel should be enabled to cruise and commit hostilities against some country at amity with our Queen. That, gentlemen, is the view which the Crown takes of this statute. Now, gentlemen, upon the breaking out of the war a proclamation was issued by the Queen, in which it was declared that her subjects, upon pain of her displeasure, were not to infringe the provisions of the statute. Gentlemen, with that proclamation every subject of her Majesty must be presumed to have been acquainted, but certainly no officer of the Queen could pretend to be ignorant of it. And now, gentlemen, I will proceed to a short statement of the facts. In 1857 there was a screw gunboat built for the Crown, called the Victor. She carried six guns, was about 350 horse-power, and her tonnage was about 500 tons. She was employed for some time in the navy, but being found not very available for the government service, the admiralty accepted an offer from Messrs. Gordon, Coleman & Co., shipowners in London, to sell her to them. The offer was accepted in November last year, and she was sold for £9,000. On the 6th of November Messrs. Coleman were registered as the owners of the vessel, although it would appear by subsequent statements of Mr. Rumble that Messrs. Coleman were not the real owners, and that the real owner was a Mr. Zachary Pearson. The vessel was delivered to the purchasers on the 10th of November. Before she was delivered the warlike fittings were taken out, and she was sold without masts, or sails, or rigging. After slight repairs she was delivered to the purchasers, and taken out of the dock-yard and anchored in the Thames. That was on the 10th of November, and a new name, that of the Scylla was then given to her. It was given out that she was destined for a voyage to China. Preparations for a voyage were proceeded with rapidly The parts of her most defective were the boilers. A number of men were put to work upon them. They were supplied with fresh tubes, and rapid preparations were being made to send her to sea, the men being engaged ostensibly for the purpose of going to China. Now, gentlemen—and this part of the case can be placed beyond all doubt—she was purchased and equipped, not for the China trade, but to become a vessel of war in the confederate service. The equipment, however, proceeded up to the 24th of November, a date to which your particular attention will be called. On that day the parties interested in her appear to have received some intelligence which changed their plans, for in the evening of that day, instead of proceeding with the equipment, she was suddenly, in the night, taken out of the Thames to sea, and subsequently was taken to Calais. No sooner was the vessel out at sea than the mask was cast off, and all disguise thrown away. The name was changed to the Rappahannock; a confederate captain came on board of her at Calais, who said he had been mate of the Alabama, and took possession of her as captain; a fresh flag, the confederate flag, was hoisted; the officers appeared in uniform; there was no disguise; the character of the vessel was openly discussed; it was given out that she was a man-of-war; the crew were called on deck; they were "mustered," and required to sign what they called "articles of war"—that is, articles for service; they were offered £8 a month and £10 bounty, and prospects of prize money were held out, and the captain said, "I shall fight for my country and for glory, and you will fight for fame." Some pressure was put upon them at that time; they were in a foreign country, without the means of returning home, and many of them were, unhappily, induced to enlist. The preparations for equipment, which had been interrupted, were proceeded with; a number of boiler-makers were sent for from England, and many of them were induced to leave their employment in the dock-yard without leave, and when they returned they were discharged as having been absent without leave. Attempts were made to enlist more men; a large store of coals was taken in; but at this point the French government stepped in. The French government, not choosing their ports to be made the scene of hostile operations, interposed and prevented any further equipment of the vessel, and, by the short and summary process of mooring a man-of-war across her bows, prevented her going out of port, and she has been kept a prisoner in the harbor ever since. Such, gentlemen, is a short outline of the history of this vessel—first, the government gunboat Victor, next the merchant ship the Scylla, bound for China, and then the confederate war steamer the Rap-

pahannock. Now, probably, there never was heard of a more audacious attempt on the part of a belligerent to violate neutral sovereignty and neutral territory. I will now, gentlemen, inform you what part Mr. Rumble, the defendant, took in these matters, and I regret to inform you that, according to the evidence, he took an active part, if not the principal part, in the equipment of the vessel and procuring for her a crew. The evidence, if it bears out the instructions I have received, will, I think, leave no doubt whatever in your minds that he knew perfectly well from the beginning the true character and destination of the ship. He was frequently, indeed almost daily, on board the vessel superintending her equipment; and you will bear in mind that she had ceased to belong to the government, and they had nothing to do with her. She was ostensibly a merchant vessel belonging to a private firm, and Mr. Rumble, as inspector of floating machinery, had nothing to do with her. Still, he was there almost every day, giving directions upon the subject of her equipment. He procured boiler-makers and set them to work, and gave them directions what they should do to the boilers. He ordered new tubes to be put in; he gave directions with respect to the rigging and the other equipments. The vessel was masted with the aid of Captain Hall, of her Majesty's ship the Cumberland, a ship which had apparatus for masting vessels, and the use of which was applied for to assist in masting her; and I understand that Captain Hall, wishing to try the new apparatus for the purpose, consented to allow it to be used. But inasmuch as the government have no reason to suppose that he knew of the destination of the vessel at that time, they have not thought fit to lay any blame upon him, though they were not at the time aware that this had been done. Well, Mr. Rumble was constantly on board, superintending the equipment of the vessel, which proceeded up to a certain point, and then it was interrupted. But, further, he took an active part in manning the vessel. He was held out as the person to whom men seeking employment on the vessel should apply; they applied to him, and he received their applications; he himself engaged men in different capacities, and agreed with them as to the amount of wages they were to receive; when they went to sea he paid them their wages for some weeks, held out inducements to many of them to join the vessel, and said that he would, when they were at sea, take care that the portion of their wages they did not want should be transmitted to their wives. He paid the passage of several men from Woolwich to Sheerness when they went to join the vessel. And I am informed that on the afternoon of the 24th of November, when the vessel left the river, he was on board as late as 5 o'clock in the evening, when preparations for departure were going on. He was down in the cabin with the real owner, Mr. Pearson, and the persons then in command; several of the crew were brought into the cabin, and then Mr. Rumble endeavored to induce them to enlist for a long voyage. He failed as to some; some of them refused to sign the articles, but some were induced to do so "for a trial trip," as it was said—"a trial trip." Mr. Rumble was then present while the articles were being signed, endeavoring to induce the men to enlist. Now, gentlemen, as to the enlistment, one point of law for which the crown contends is this—it arose at the late assizes in the case of the "Queen *vs.* Jones," which was tried before the lord chief justice, (and which we reported towards the end of last term,) viz: that if he was a party to the procuring of these men to serve on board a confederate vessel of war he is guilty of an offence, on whatever pretence the men were engaged; whether it was that they were to go to China or on "a trial trip," if the men were actually engaged and employed, and if he procured them to be employed in that service, he is guilty of an offence against this act; and it is not the less such an offence because a fraud was practiced on the men. Now, gentlemen, it will be proper that I should state the evidence which bears upon this question. There will be no doubt that he, from the beginning, knew the character and destination of the vessel; at all events that he knew it before he went to Calais. I will call before you several of the men, who will tell you what he said, and one or two of the men he endeavored to induce to sign by representations of this kind: "You will not only have pay, but perquisites beyond the pay;" and to one of the men he said, "If you cruise on board that ship and you live to return, you will not want to work any more during your life." I shall show you from one witness—I believe a highly respectable witness, whom Mr. Rumble endeavored to engage, but did not succeed in engaging—that on Mr. Rumble asking him to be second engineer, and the man saying that he had not sufficient clothes, Mr. Rumble said, "Clothes don't signify, for when you get on board uniforms will be provided—a gray uniform; there is plenty of cloth on board, and we will make it up into uniforms for the crew." Now, if you believe that, there can be no question as to Mr. Rumble knowing the destination of the vessel. What was the mate of a vessel in the China trade to do with gray uniforms? Mr. Rumble appeared to know all that was going on in the vessel, and told the men that the captain would join when she was at Calais—a promise which was fulfilled, for there the late mate of the Alabama came on board as captain. But the case does not stop here. The vessel went away from the river on the 24th of November, and three or four days afterwards, I think on the 28th, Mr. Rumble himself went to Calais, and went in the same boat with a number of boiler-makers, who were going from some dock-yards to assist in the completion of the equipment of the vessel. And I am informed that Mr. Rumble was on board the vessel when the scene I have described took place, and that he was on board, if not on deck, at the time the captain summoned the crew and engaged them for the service, and he was, I am informed, in the cabin when some of the men received the bounty for their enlistment. But the case does not stop even there. Mr. Rumble returned, and one

or two particulars occurred to which I must call attention. At all events, when he returned he knew the character of the vessel. Indeed, he had known it before, according to his own account, for he referred to a statement in the newspapers as to the hoisting of the confederate flag at Calais. So he knew of that fact, and if, as I presume will be set up by my learned friends, his counsel, he was imposed upon and deceived, and did not know that the ship was more than a mere merchant ship before she left the river, what would be his feelings upon hearing that a gross fraud had been practiced upon him, and that he, a Queen's officer, had been practiced upon and deluded into assisting in fitting out a belligerent vessel? One would suppose that he would have shown indignation, and that at all events he would have insisted upon washing his hands of the whole affair. But I am informed that after, by his own showing, he knew that this was a vessel of war, on a man applying to him for employment on the vessel he said, "I will speak to the confederate agent about you, and procure you employment." And further, I am informed that upon his return to Dover from Calais, when he had been on board the vessel, meeting with one of the boiler-makers who had been employed on the vessel, but had returned, Mr. Rumble used every kind of persuasion to induce him to go back to her. Gentlemen, this is an outline of the facts which, as I am instructed, I shall be able to prove. I have purposely made it only an outline, for it will be better that you should hear the details from the witnesses themselves. Gentlemen, probably the witnesses called on the part of the Crown will, many of them, be the subject of severe cross-examination, and remarks may be made upon their testimony, perhaps deserving of your attention. You will observe that, from the nature of the case, these are the only witnesses the Crown could possibly call before you. As to two or three of them, I think it proper to say that they have written a letter to Mr. Rumble exonerating him from all share in the transaction. That will be a very proper topic for cross-examination, and if it is resorted to, there will be an explanation. It would not be proper for me to enter fully into the circumstances by which it may be explained; but I am informed that Mr. Rumble got them brought into a private room, and administered to them what he called an oath, that the statements made in the depositions were not true. You will see by-and-by whether or not this is the truth. Now then, gentlemen, that is the case against Mr. Rumble. I do not impute to him that he has been actuated by base or mercenary motives, that he is a paid agent of the confederate government, or has proposed to himself any pecuniary advantage or emolument for his part of the transaction. I am willing to suppose that he has been led away by sympathy with the confederate cause, which in some persons amounts to enthusiasm, into a temporary forgetfulness of his duties. Far be it from me to impute it to any man as a blame, still less as a crime, that he feels a sympathy with either of the belligerents. We must all have our sympathies. Thought in this country is free, and expression also is free; but no man is free to act in contravention of the law; and I am sure you will agree with me that if every subject of the Queen is bound to obey the law and the Queen's proclamation, that obligation is much stronger upon those who bear the Queen's commission.

The LORD CHIEF JUSTICE. We have nothing to do with that. It may be matter for consideration for the court at another stage of the case, (if it should reach that stage,) but we have nothing to do with it now.

The SOLICITOR GENERAL. Quite so. Gentlemen, I am glad to see that my learned friend, Mr. Bovill, appears on behalf of this gentleman, and will, I am sure, exercise to the utmost his great abilities in order to secure, by every fair and honorable means, the acquittal of his client. If he shall succeed in satisfying you that the statements of the witnesses are not true, or, if true, that they can be explained, consistently with the innocence of Mr. Rumble, I shall be satisfied, and I am sure you will agree with me. But if the facts shall be substantially established as I have stated them, then I am satisfied that as the Crown has done its duty in instituting this prosecution, you will faithfully and fearlessly perform yours by vindicating the law of the country.

Captain Wise, captain-superintendent of Sheerness dock-yard, was then called and examined by Mr. Lush, Q. C. He gave the particulars of the vessel, and stated that when the ship was sold her warlike equipments were taken out of her, and she was sold and delivered without masts, stores, or engines, boilers, or machinery. An application by the purchasers for the stores was refused, and she was sold without fixtures. Messrs. Coleman, merchants, were the purchasers. The defendant, Mr. Rumble, had nothing to do with her connected with his duties.

Cross-examined by Mr. BOVILL:

And you had nothing to do with her?

No; not after she was fitted up.

Nor Captain Hall?

No.

Nor Mr. Rees, the master-rigger?

No.

Now, first, did you, the captain-superintendent, allow her to be docked after she was purchased?

Certainly not; it was before the purchase was completed.

The witness was pressed as to whether, after the purchase, Messrs. Coleman did not apply

the admiralty to have the ship docked. He said there was such an application, and it was referred to the dock authorities, and she was docked on the 8th of October.

Mr. BOVILL. That is exactly what I wanted to know. The ship, then, was, after the purchase, and at the request of the purchaser, docked at the dock-yard?

WITNESS. Yes; under orders from the admiralty.

Mr. BOVILL. With your sanction, as captain-superintendent?

The witness stated that it was before the purchase was completed. He was pressed as to this, and desired to refer to the papers. The witness then produced the purchaser's written requisition, dated 17th of September, 1863: "We beg you will give permission to place in the dry-dock the vessel we have purchased from the admiralty, for the purpose of examining her, with a view to taking her away under steam, it being done at our expense."

The LORD CHIEF JUSTICE. That shows it was after the purchase.

The witness stated, that upon this there was an order to dock the ship, though it could not be done at once. The witness then read the answer, dated 27th of September: "My lords approve of the Victor, purchased by Messrs. Coleman, being docked on the 10th of October, for the purpose of inspecting her bottom, at the purchasers' expense." The witness then went on to state, that on the 8th of October "the government officials" took the ship out of the Medway and put her into the dry-dock at Sheerness, and examined her. It was all, he said, "done by the government." He did not know, he said, if any one was there on the part of the owners, but it was done at their expense. During the time she was there no repairs were done, except repairing an accident, &c., but she was thoroughly examined. On the 13th of October she was taken out of dock into the basin, and on the 2d of November out into the river, and there her masts were put into her. Nothing was done until after the 12th of November, after she was given up. It was on the 10th of November she was given up, and after that the owners sent down the masts.

Mr. BOVILL. Were they not put into her by Captain Hall, captain of the Steam Reserve, and with the aid of a government ship—the Cumberland?

Yes.

Mr. BOVILL. Was her rigging put up by riggers belonging to the dock-yard?

I believe it was; but after working hours. I had no control over them after those hours.

Mr. BOVILL. Was she at the government moorings?

Yes; as she had no anchor, the owners asked that she might be made fast to a government buoy.

Mr. BOVILL. And she was taken out by a government tug?

Yes.

Mr. BOVILL. And remained at the government moorings until she was given up?

WITNESS. I believe, after she had her masts in her, she lay at her own anchors.

Mr. BOVILL. Well, I suppose it was well known to every one that she was lying there being fitted out?

It could be no secret, as she was lying there.

Mr. BOVILL. And it was understood she was going to China?

Yes: we so understood.

And you rendered every assistance?

Yes.

And made no objection to the men working on her after working hours?

No; it is not unusual when a ship has been sold to render every assistance to her.

Mr. BOVILL. And the inspector of machinery afloat might be disposed to do so, eh?

Yes; he might.

Mr. Rumble is an officer who has been twenty years in the service of the Crown?

Yes; he has.

And he would be entitled to a pension, or his widow?

Yes; according to the rules of the service.

Well, the vessel lay there known to every one—the officers and the public?

Yes. [The witness said she lay in the river from the 2d till the 24th of November.]

Mr. BOVILL. Now, just tell me this—you have not been able to keep federal spies out of the dock-yard, eh?

Well, there have been men mixed up with these matters.

And some have been dismissed, have they not?

None have been dismissed; one man asked for his discharge.

Well, there have been federal spies, I believe?

Spies on both sides.

The LORD CHIEF JUSTICE. What do you mean by federal spies?

WITNESS. Why, my lord, there were men who were gaining information about this vessel.

The LORD CHIEF JUSTICE. It is very remote from the present matter.

Mr. BOVILL elicited that one man named Warne had got his discharge on this account, and wanted to pursue the subject further; but

The LORD CHIEF JUSTICE said it was irrelevant, and he would not permit it.

The next witness was the man Firth, who was examined by Mr. Hannen. He said he had been a breaker-up of ships at the dock, and he stated that in the autumn of last year he had been engaged to work upon the ship by a Mr. Ferguson, who said he was chief en-

gineer. I was to meet a Mr. Carr before going on board. No one was with Carr then. I, Cole, and Hurford were together. We were to meet Rumble in the dock-yard at Sheerness, Carr said while going down in the train. We went to the dock-yard at about 11 a. m. to the Steam Reserve office and met Rumble about half-past 1. Rumble was coming through the dock-yard gate. Carr went and spoke to Rumble. We went towards the water side, and Rumble sung out and told Carr to go down to the dock-yard pier, and take a boat and go off to see the Scylla, and he would be off as soon as we. We went on board. Rumble was on board before us. On board Rumble spoke to Carr. I didn't hear what he said. We were then put to work. Carr was second engineer on board the Scylla. Carr ordered me to go down, and told me to look after the stores. I was engaged upon her till she sailed, and afterwards. Rumble paid the first week's wages. He paid me on board the ship. He then told me he would allow us a guinea a week while we stopped there. Then I asked him where she was going. He told me he didn't know where she was going to, but if I went away in the ship and lived to come home again I shouldn't have to work any longer. Then he said he would like to go me halves. That's all that passed with me.

The LORD CHIEF JUSTICE. How long did you continue there?

WITNESS. Three weeks, and one or two days at Sheerness. Rumble came on board often—sometimes twice a day, and other days oftener. He was taken ill, but until he was taken ill he came on board every day. He told me if I wanted anything on board I was to let him know. I applied to him for several things; they were for the use of the ship—shovels, tools, rakes, &c., and a cask of oil. He put them down in his pocket-book, and they were sent on board next morning. This went on till the time of the vessel going away. I went away with the vessel between 9 and 10 on a Tuesday night. On that night I did not see Mr. Rumble on board. I saw him on board that afternoon before we went away, just as we were going to dinner. Mr. Ferguson called us into the cabin. Mr. Rumble was there. They called me into the cabin, and Rumble asked me if I was going to sign the ship's articles. I told him yes. Rumble offered me six pounds a month, and I asked him for eight pounds. Mr. Rumble said, "Here's one of the owners," pointing to Mr. Pearson, "and he can't afford to give more than six pounds." Mr. Pearson then told me he wou d give me eight pounds. Mr. Rumble asked me how I'd like to have the wages. I told him I wanted to handle my own money. He asked me if I couldn't trust him to send it home to my wife. I told him I had nothing but what I stood upright in. No more passed. I didn't sign the articles. Then he told me to go out of the cabin and send my mates in. I did. That night we went off. I was in the engine-room, on the platform. That was my place.

By the LORD CHIEF JUSTICE:

Afterwards we agreed with Mr. Ramsay for fourteen days. We went to Calais. I didn't know where I was going, nor when she was going to start. On Saturday they said she would go on Wednesday, and she went on Tuesday. We sighted Calais about 4 in the afternoon. Mr. Ramsay commanded the vessel to Calais. We dodged about off Calais all night. Went in next day. A flag was hoisted outside the harbor. It was white, with a union jack at the top corner, a red stripe down the middle, and thirteen stars. [Paper handed to witness.] This is like it, but it ought to have a red stripe down the middle. I was told that it was the confederate flag. I remained three or four days on board at Calais. I didn't like to go in her when I saw the flag. Another captain came, Captain Campbell, and we were called aft and told he was the captain. He was then in plain clothes. He asked us to go in her, and some of us said "Yes" and some said "No." He told us she was a confederate man-of-war, and he would like to have us all go in her. I wouldn't go. I did not see Rumble on board while at Calais, nor at Calais. The captain addressed us the day after our arrival at Calais. The next day he came on board in uniform—a gray suit. Mr. Rumble paid our expenses on the first occasion from Woolwich to Sheerness.

Cross-examined by Mr. BOVILL:

Mr. Ferguson engaged me, and he had engaged Carr as engineer. Ferguson was a friend of mine. I had been to sea with him before. I never conversed with Rumble about going on board the ship. I knew Carr before Hurford. Cole was with us. I knew Cole before. I then worked on board the Caledonian in Victoria docks. She was a government ship. No repairs were going on on the Scylla when we went there. Only the cook and Mr. Ramsay were on board, and Mr. Rumble. There was nothing being done at the time. Carr told us what to do. It was to work at the engine and boiler. Boiler-makers came on board and worked. The tubes were very bad. While we were at the buoy nothing was done but knocking about the boiler. I am now employed at breaking up ships at New-yard, Mr. Castle's.

Mr. BOVILL. Have you within three months received anything but your wages?

Only twelve shillings and six pence a week. I believe it comes from Rochester—I think from Essell, Knight, and Arnold. They give me that to keep me from going to sea. I have been receiving it for five or six weeks past.

The SOLICITOR GENERAL. I may state that several have received this to prevent them from going away. We could not retain seafaring witnesses otherwise.

By Mr. BOVILL. Cole, Brooks, Ginno, and I received this. I have been at Castle's a fortnight. Before I received the money from Essell, Knight, and Arnold I received nothing. J. Brooks, Cole, and Hurford are at Castle's.

Mr. BOVILL. How do you all come to be at the same place?

WITNESS. Luck, I suppose. (A laugh.) O'Kelly and Warne came there sometimes. I first knew O'Kelly when we first came back from Calais.

Mr. BOVILL. He has been attentive to you since, and refreshes you with beer occasionally?

Yes. (A laugh.) We sometimes have had it together. When we feel dry we drop in anywhere.

Mr. BOVILL. And O'Kelly moistens your throats? (Laughter.)

Yes.

Mr. BOVILL. Did O'Kelly ever take you anywhere to make a statement?

WITNESS. No; I went to meet him. I went to London on my own business, and ran up against him. (Laughter.) When I met O'Kelly we went into a public house. He treated me to a pint of beer, and I and he drank it. I met him at the bottom of Fenchurch street.

Mr. BOVILL. When did you first make a statement to any one about this vessel?

About this time last year I went into a public house with O'Kelly and two other gentlemen, and that was the first time I ever made a statement about it. It was the Derby Arms. O'Kelly and these two came to Woolwich factory, and took out me and Brooks, and Ginno, and Bailey, and Hurford. I had only seen O'Kelly once before that, the morning after I came from Calais. Five of us had a drop with him.

By the LORD CHIEF JUSTICE:

We had three pots of half-and-half, but didn't get tight. (A laugh.)

The LORD CHIEF JUSTICE. Brush your mind up a little. When did you see him?

The first day after I came back from Calais. Then I was to meet him up in London. I made no statement in London. He promised us all a ship. Never heard him say we should have "good berths" or "good pay." O'Kelly don't give money to stay. He never gave me anything, only beer—plenty of that. (Laughter.) I don't know who he is, where he lives, nor anything about him. I was told to meet him in Mitre street, near London bridge. I last saw O'Kelly one day last week and this morning. Had no beer this morning. Would like to have a little drop. (Laughter.) I mean to swear that O'Kelly never gave me money—let me see; yes, he gave me 12*s.* 6*d.* the week before last, at Woolwich, at a public house, at the Tom and Jerry, and beer at the same time. Brooks and I were there. I never saw him give Brooks 12*s.* 6*d.*; 12*s.* 6*d.* is all he has ever given me. I stated before the magistrates at my examination what they asked. I believe I didn't then say anything about what I have now said regarding Rumble's saying that he would go me halves.

Mr. BOVILL Did you ever make one statement about that until after the third meeting with O'Kelly?

WITNESS. I can't say that I didn't or that I did. Mr. Rumble first conversed with me about signing the ship's articles. Mr. Ferguson called me into the cabin. It was in the cabin that articles were first mentioned. Mr. Rumble spoke to me about them.

Mr. BOVILL. Did you not swear before the magistrates that Mr. Ferguson told you to go into the cabin to sign the ship's articles?

WITNESS. Yes; he first spoke to me about the articles. Then Rumble asked whether I was going to sign. I don't know whether or no I said anything about Rumble telling me to sign the ship's articles. Rumble never said anything about what we were to have after we left Sheerness. Ferguson engaged us. On Saturday morning Mr. Rumble paid me. He told me we were to have a guinea a week and provisions. I had made no arrangement up to that time except with Ferguson. We didn't know what we were to have until Rumble paid us. I thought she was going to run the blockade or going to China in the opium trade. No one told me where she was going. I had no notion of enlisting in the confederate service. The talk among the men was that she was going to China in the opium trade. I was engaged to go a trial trip as far as Brest.

The LORD CHIEF JUSTICE. Who engaged you?

WITNESS. Mr. Ramsay, as storekeeper. When we got to sea we found the boilers and the tubes very bad. The riggers at Sheerness were employed about the ship, painters, &c., of Sherness, and other tradesmen. I should have declined to enter the confederate service. At Sheerness they offered us £10 bounty; no, it was over at Calais. When we were off Calais the flag was made on board. The boilers were not being repaired at Calais while I was on board. Captain Campbell came on board the same night or next morning. He called us aft and told us she was a confederate vessel. As far as I know, it was the first any of us had heard of it.

A JUROR. What wages would have been given for the ordinary trip to China?

WITNESS. About £4 10*s.* or £5. It would be the same for the opium trade.

Re-examined by the SOLICITOR GENERAL:

Ferguson didn't agree with me as to terms. Then I came to Sheerness and went on board the vessel, and Mr. Rumble was there, and nothing was said about wages. The first occasion Mr. Rumble came on board and ordered all aft. We stood round Mr. Rumble. He pulled out the money, and said, "I intend to give you a week," and paid me. He paid me the

next week £1 1*s*. He only paid me two weeks. The third week Mr. Ramsay paid us outside the Foundling inn at Sheerness. When we were called into the cabin Mr. Rumble first spoke to us about articles. Mr. Rumble left the ship soon after. I made no statement to O'Kelly the first time in London. I was examined by the magistrates at Sittingbourne a fortnight after I met O'Kelly. I only answered the questions put to me. I'm sure I told O'Kelly about Mr Rumble saying he would like to go halves. I stated it of my own accord. I got 12*s*. 6*d*. from Essell, Knight, and Arnold's, and 18*s*. wages from Castle's. I received it to prevent my going away. I was going to the Baltic. I was going away last March to run the blockade. (To the Lord Chief Justice.) I was prevented by Essell, Knight, and Arnold. I should have got £5 a month to run the blockade; and out there they get something in addition.

The LORD CHIEF JUSTICE. How was it you could not go away in March?

They sent me word I was under a bond.

The LORD CHIEF JUSTICE. How came O'Kelly to give you 12*s*. 6*d*.?

I suppose it was for my regular wages from Essell, Knight, and Arnold.

James Hurford, one of the men mentioned in the indictment, was the next witness. He was examined by Mr. Harcourt. He said, I am a ship-breaker. I was employed last autumn on board the Scylla. I was sent there by Mr. Ferguson. He sent me from Woolwich to Sheerness. I saw at Sheerness Mr. Rumble. No one told me to go to him. I went with the rest. I had nothing to say to him the first time. I went on board ship after I saw Mr. Rumble. Some time after I was working on board I saw Mr. Rumble. No agreement was made for wages for some time after I went on board. We went aft and asked Mr. Rumble some day or two after we came on board; all of us went. My expenses from Woolwich to Sheerness were paid by Mr. Rumble after we went on board. Rumble told us he was authorized from the company to pay us at the rate of £1 1*s*. a week, and our provisions would be added on board. I agreed to those terms. I remember the ship sailing at midnight. That day I saw Mr. Rumble on board, but not to have any conversation with him. I was on board when she went to Calais. I stayed there seven or eight days. I was cleaning up. When Rumble paid me he told us that the captain was not in England at present, but would be in England in the course of three or four days' time, and he would make agreement with us. I was to be leading stoker. Nothing was said to me about signing articles before I got to Calais. Captain Campbell was the captain at Calais. Captain Campbell asked me to sign the ship's articles. I did not consent. Captain Campbell told me what she was. I didn't know before I got there. I declined going on conditions—unless I had watch and watch on shore while she was in harbor every other night, as in an English man-of-war. Captain Campbell would not agree to it, so I didn't sign. Before going to Calais Captain Rumble said he would send our money.

Cross-examined by Mr. KARSLAKE, Q. C.:

I was not told that I was to be leading stoker till I had gone on board. I and Carr, Cole, Firth, and Cozens were on board. He was pressed as to what was said about the captain, and whether it was not said by Mr. Rumble that when the captain or owner came he should have no more to do with it. A difference arose as to whether he had said that, or whether he had said that "then agreements would be entered into or completed."

Mr. Hannen said he was bound to state that he had taken this note of what the witness said, "that the captain was not in England and he would make agreements with us, as he had then nothing more to do with it himself."

The solicitor general stated that, as his learned friend had this note, it must be taken that the witness had so said.

Mr. Bovill and Mr. Karslake said they had not taken it.

The witness then repeated that what Mr. Rumble said was that "the captain would make agreements with them when he came, as he (Rumble) had nothing more to do with it himself."

The cross-examination of the witness by Mr. Karslake was then continued, and it was elicited that he said to the defendant that it was not usual that men engaged in merchant ships should pay their own expenses upon coming to their ship, and that then Mr. Rumble paid him and Firth their expenses to Woolwich. He repeated that he saw Rumble on board on the day the ship sailed; but the superintendent of police was also there. He was pressed as to whether they were not both on board searching the vessel to see if government stores were not on board, but he could not say. He was asked whether he had not said that the defendant had said he merely paid the men because the owner was away; but he said that what he had said was that the captain was away. Upon this his deposition was put into his hand, in which he had sworn that the defendant had said he paid the wages because the owners were in London, and had requested him to pay the men, and he said he did say so. Being asked again, however, he said that what the defendant said was that the owners had asked him to pay the men, but that it was the captain who was away. The deposition was again appealed to, but

The lord chief justice said the depositions before magistrates were often badly taken down.

Mr. KARSLAKE. Still it may be that he is wrong now.

The cross-examination of the witness by Mr. Karslake was then continued. He was

pressed as to money received from Knight and Essell, the admiralty solicitors at Rochester, &c. He said he was still in the admiralty service. He was pressed as to how often he had seen O'Kelly. He said he had seen him perhaps thirty or forty times, but could not say. He had seen him at Calais. O'Kelly came to see him sometimes at Woolwich, where he was at work, and perhaps might "report." He had seen Firth with him. He was often at the factory gates.

Mr. KARSLAKE. What does he say?

WITNESS. He asks me how I am.

Mr. KARSLAKE. He asks after your health, eh? Is that what he reports about, eh?

WITNESS said he did not know, but he supposed O'Kelly came to see that he did not run away. (Laughter.)

Mr. KARSLAKE. Oh, he is a sort of spy over you, is he?

Witness said he did not know, but O'Kelly looked after him.

The witness was re-examined by the solicitor general, and stated that Ramsay was on board acting as captain, and told him he was to speak to Mr. Rumble, and afterwards Mr. Rumble told him the captain was away. After that Mr. Pearson came and acted as captain. He came on the day the ship went out from Sheerness to Calais. Both Pearson and Ramsay were on board, and he believed that Ramsay had most to do with the navigation. At Calais Captain Campbell came, and he supposed Pearson left. He did not see him afterwards. Before starting Ramsay had acted as captain.

The next witness examined was Coles, who was examined by the solicitor general. He applied, he said, to Ferguson, who told him to join the ship. He went down to Sheerness with Carr and two other men. Subsequently he went on board the ship and saw Ramsay there. He did not then see Mr. Rumble, but saw him in the factory, and saw him on board some few days afterwards. He got his passage-money from Hurford, but saw Rumble give it him, being close by at the time. Captain Ramsay was on board at the time. Mr. Rumble was so frequently on board that he could not say when he saw him next. Mr. Rumble gave him a guinea in the course of a week, he being then on board, and saying they were a good lot of men and he did not want to lose "the run of them." The amount of wages had not been then settled, but then Mr. Rumble told them they were to receive a guinea a week and their food. Mr. Rumble also said he hoped they would be contented, and that they should have good food, but no grog. They were to have a guinea a week as long as they remained there, and they were paid the second and third weeks' wages by Mr. Rumble. Some of the men put the question to Mr. Rumble where the ship was going, and he did not give any satisfactory answer.

Mr. BOVILL. What did he say?

WITNESS. He said that when we came home he should be glad to go halves with us in what we should receive. Witness went on to say that he saw Mr. Rumble constantly on board and looking about, as if it was his business to see that everything was fitted up properly, and he gave directions and asked questions—for instance, as to the boiler tubes; and he said that if the men wished to send any of the money to their friends he would see to it. They wanted the men to sign articles; the day they left Sheerness they were sent for "aft," and went down into the cabin. There they saw Mr. Ramsay, Mr. Rumble, Mr. Ferguson, and another gentleman. He did not know if it was Mr. Pearson. Mr. Rumble asked the men if they intended to join the ship. "I," said the witness, "declined to join. I declined to sign articles. Mr. Rumble asked if we would go in the ship on a trial trip, not to exceed fourteen days." Witness said he would go on a written condition, and Mr. Rumble said he agreed to it. Witness produced the "condition," which ran thus:

"The undersigned agree to act as firemen on board the s. s. (screw steamer) Scylla, on a trial trip, not to exceed fourteen days, at the rate of £8 a month; to be sent to London at owners' expense."

This was signed by Mr. Ramsay, and Mr. Rumble was present. Until they started, Mr. Ramsay acted as captain. When they got off Calais, they looked up and saw a flag flying. He knew what it was, as he had seen it at sea, but he was so agitated about the boilers (which were in a very bad state) that he did not know what was said about it. The new captain came at Calais and sent for the firemen, represented himself to them as their new captain, and told them that they "must consider themselves as confederate men-of-war's men." He wanted to know if they would sign articles, and witness said he would not. Mr. Rumble had offered them £6 a month if they would engage to serve with the ship; that was when speaking of the trial trip; that was what was offered if they would remain with the ship, but the men wanted £8.

ONE OF THE JURY. We wish to know whether at that time it was not asked where the ship was going.

The witness said it had previously been asked of Mr. Rumble, as he had already stated, and no direct answer was made. Nor did he afterwards hear him say where the ship was going.

The JURY. What made you ask as much as £8 a month?

The witness said he had had it before, as third or fourth engineer.

The LORD CHIEF JUSTICE. It had no reference, then, to the particular voyage?

WITNESS. No, it had not.

The witness was then cross-examined by Mr. Bovill. He said that he came home from China about two months ago, and had only received three weeks' wages, (12*s.* 6*d.* a week.) He did not know from whom.

Mr. BOVILL. Was it from O'Kelly?

Witness said he did not know. Being asked as to what had taken place down in the cabin, he said he and Firth, Hurford, and others, were there, and that Mr. Rumble said that he was authorized by the "company"—that is, the firm of owners—to pay them a guinea a week. Until he saw the confederate flag at Calais he did not know anything at all about the ship being for the confederates, and when he had signed the paper he had no idea of anything but a "trial trip." The boilers, he said, were very bad, only fit for a trial trip. They might, however, be got into good condition in a few days. The witness went on to state that a government tug took the ship out of harbor the day she left Sheerness. He came up on board and saw the government tug towing her.

Captain Wise here exclaimed: The greatest falsehood ever told!

Mr. BOVILL. You must not speak so loud, Captain Wise. You were not there at the time.

CAPTAIN WISE. No; but it is not possible.

Mr. BOVILL. Then you ought not to say so, sitting there representing the Crown.

The SOLICITOR GENERAL. Captain Wise did not mean what he said to be heard.

The LORD CHIEF JUSTICE examined the witness closely as to this. He swore positively that he was certain that it was a government tug. He had been in the government service and knew a government tug when he saw it. There could, he said, be no mistake about it.

The SOLICITOR GENERAL pressed him as to when it was.

The WITNESS. When we went out from Sheerness to Calais; the night we left.

[The witness spoke quite positively and firmly, and there could be no mistake as to what he meant. His statement seemed to create the utmost surprise among the counsel for the Crown.]

Newman was the next witness; he was examined by Mr. Lush. He said he was referred to Mr. Rumble by a Mr. Greathead, and was referred by Mr. Rumble to the mate. He asked the ship's destination, but could get no satisfactory answer. At last witness said he told Mr. Rumble that he would go. He was to go on the Wednesday, the 25th of November, but she went on the Tuesday, the 24th, in the evening. He afterwards went to Mr. Rumble about it, and he (Mr. Rumble) said: "I suppose you are aware she has arrived at Calais?" He said he was, as he had seen it in the newspapers, and that she had hoisted the confederate flag. [It was not clear from the witness's way of giving his evidence whether he had merely seen it or had said that he had seen it, but he stated that Mr. Rumble had not said it.] He said that he had been in the American service, and on the coast of America, and Mr. Rumble said he "thought he would be a very useful man," and "that he was going to London to see the confederate agent," and would drop witness a note, and he left him with that understanding. Mr. Rumble knew he was in the government service, and asked him if he could get his discharge.

Mr. LUSH. Did he or you say anything about the confederate flag?

WITNESS. No; but I had seen it in the papers that the vessel had hoisted that flag. Being afraid of getting himself into trouble, the witness said, he threw the whole affair up.

Cross-examined by Mr. BOVILL:

The witness said that Mr. Greathead, who referred him to Mr. Rumble, was an officer of the dock, and Mr. Rumble referred him to the mate, who was Ramsay. He did not know when the ship was at Sheerness that the ship was for the confederate service; but at the time he had the conversation with Mr. Rumble, after the ship was gone, it was known, and was a matter of general conversation, that she was a confederate ship. He went on to say that he wanted to make money, and he did not care whether it was in the federal or confederate service. (Laughter.)

Mr. BOVILL. Are you an American?

WITNESS. No; but I was a good many years in the American service.

The LORD CHIEF JUSTICE. In the service of the United States?

WITNESS. Yes.

Mr. BOVILL. Well, I suppose you had some inducement to go abroad—eh?

WITNESS. Yes; I had a wife and family. (Laughter.)

The witness explained that for the sake of his wife and family he would not mind going abroad to make money.

Mr. BOVILL. But no other inducement—Mr. O'Kelly, eh?

WITNESS. No, I don't know him; I wanted to make money.

Mr. BOVILL. Are you quite sure Mr. Rumble spoke to you about the confederate agent?

Witness said he was. He was pressed a good deal as to this, but adhered to it, and said that Mr. Greathead and Mr. Rumble's son were present at the time.

Mr. BOVILL. Do you know that Mr Rumble's son is in the Mediterranean, in the Wizard gunboat?

Witness said he knew that he was in the naval service; he did not know where.

Mr. BOVILL. Where is Mr. Greathead?

Witness said he believed he was at Malta, as an engineer in the government service.

Mr. Bovill elicited that this witness had not been examined before the magistrates, so that he now heard this for the first time.

The lord chief justice observed that this was most important, and without asking any decision to be taken at the moment, when the case for the Crown is closed, perhaps it may be proper to give you an opportunity of having those witnesses present.

Mr. Bovill said he was much obliged to his lordship. This was the first time he had heard that they were present. It was true that the solicitor for the treasury, Mr. Greenwood, had two or three days ago very kindly sent him a copy of the new depositions, but they did not disclose that these persons were present.

Mr. Lush pointed out that they did disclose that young Mr. Rumble was present.

Mr. Bovill said he had not observed it; if he had he should have applied for a postponement of the trial.

The witness was then re-examined by Mr. Lush as to the tugs, with a view to show that there were only two tugs in the harbor, and that, so far as he knew, neither of them was employed to tow the vessel out on the night of her departure. One, he said, was under repair, and could not have gone; the other did not go, so far as he knew.

Mr. Bovill was allowed to cross-examine the witness on that point, and elicited that he was not quite positive that there were only two government tugs in the port at the time.

After which,

The LORD CHIEF JUSTICE said: Mr. Solicitor General, after the evidence given by this witness as to the conversation with Mr. Rumble, it would be but reasonable to afford to the defendant the opportunity of producing those persons who were present, because the evidence is calculated, if not answered, to produce a strong impression, and it would be but reasonable, as it has taken the other side more or less by surprise, that they should have an opportunity of producing the two persons who are vouched as having been present. That necessitates an adjournment of the case; and then it occurs to me that if it is to take place it would be better that it should take place at once, and not, as I at first thought, after the case for the Crown had been concluded; because, after an adjournment at that stage the evidence will not be so freshly and vividly on the minds of the jury as if it took place now. On the trial being resumed I shall read over the evidence which has now been taken, and perhaps, upon the whole, it will be better to adjourn at once.

The SOLICITOR GENERAL. I think so, too.

Mr. BOVILL. I concur in so thinking.

The LORD CHIEF JUSTICE. Looking at the nature of the case, I think it will be so. It is unfortunate that these two witnesses are away, but their evidence is so important that it would not be satisfactory to continue the case without it.

The JURY. When is the trial to be adjourned to?

The LORD CHIEF JUSTICE. Till the sittings after next term, in February. You will take care to keep your minds in the mean time free from all impressions upon the case.

Mr. Bovill observed that he hoped the admiralty would render their assistance to procure and produce the two witnesses referred to, and who were both in the government service.

The solicitor general said he had no doubt the admiralty would do so.

The trial was then accordingly adjourned until February.

Mr. Seward to Mr. Adams.

No. 1185.] DEPARTMENT OF STATE,
Washington, December 9, 1864.

SIR: I have received from the consulate at Liverpool the despatch of the 18th ultimo, a copy of which I enclose, relating to alleged enlistments of men in England for our military service, and informing me of the circumstances of the detention of the Great Western at that port. I will thank you to apply to Mr. Wilding for copies of the newspaper slips from the Liverpool Journal of Commerce of the 16th ultimo, the Liverpool Daily Courier of the 17th ultimo, the Liverpool Daily Post of the 18th ultimo, and the Liverpool Daily Mercury of the same date, which accompanied his despatch.

Although it seems hardly necessary, I repeat to you what I have written on former occasions, that this government has no knowledge of any design on the part of agents or of officers in its employment, or on the part of other persons, to enlist recruits for the military or naval service of the United States within the jurisdiction of her Britannic Majesty, or in any other foreign state, in contravention of laws prohibiting such enlistment, and that it would disapprove of any such proceedings.

If any person acting without authority in this instance, or in any other, has violated the laws of Great Britain on this subject, he will be left to their penalties. On the other hand, if any undue interference with citizens of the United States shall have occurred prejudicial to their legal rights and interests, you will be pleased to make such protests and reclamations on their behalf as may, in your judgment, be warranted by the facts of the case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Wilding to Mr. Seward.

No. 390.] UNITED STATES CONSULATE,
Liverpool, November 18, 1864.

SIR: I beg to enclose slips from Liverpool papers respecting an alleged enlistment of men for America, and, in doing so, to report such facts as have come to my knowledge.

It appears that about two hundred men did arrive here on Tuesday evening for the purpose of embarking as steerage passengers on board the Great Western for New York; that southern emissaries having got among them, and finding that their passages had been paid by an agent from America, with the view, as alleged, of their being employed in glass-works in New York, persuaded many of them that they were really being enlisted for the army, in consequence of which about fifty refused to embark; about one hundred and forty went on board.

Mr. Hull, the confederate attorney, (no doubt set to work by the rebel agents,) took the matter up warmly and tried to make out a case for the interference of the authorities. He so far succeeded that the collector of customs sent two officers on board the ship and refused to clear her.

Yesterday, at the request of the captain, a police officer was sent on board to question the passengers and bring ashore any who were unwilling to go. Out of the four hundred passengers who were on board, only four could be induced to leave the vessel, nor was the officer able, so far as I can learn, to obtain any evidence whatever of any of them having been enlisted.

Yesterday evening the collector of customs intimated to the agents of the vessel, Messrs. Baring Brothers & Co., that, for all he saw, the vessel might clear this morning. To-day, however, he informs them that he has authority for detaining her longer; he was understood to say he had a telegram from the government ordering the detention, and he has put two officers on board to prevent her sailing. This seems to me a very strong and unwarrantable proceeding upon such evidence as I believe they have.

No complaint or application has been made to me by the master or agents of the vessel, and I have not, therefore, deemed it proper, under the circumstances, to make any representation to or demand any explanation from the authorities, but have informed Mr. Adams of the occurrence.

On inquiry, I find that some time since the passenger-agents of the Great Western received a letter from the owners, Messrs. C. H. Marshall & Co., of New York, advising them that an agreement had been made with a Captain Byrne for the passage of about one hundred persons, more or less, from Liverpool to New York, and instructing them to provide such passages when applied for; at the same time a draught of an agreement to be signed by the passengers before embarking was sent.

This agreement was to the effect that Messrs. Bliss, Ward, and Rosevelt, of New York, on the one part, agree to pay passage of the party of the second part, and provide him with employment for at least one year; and he, on his part, agreed to place himself under their control, and perform such labor as they should require for the time specified, and to repay passage money.

The kind of labor is not stated in the agreement, but it was understood to be to work in glass-works.

I have seen the draught, the style and spelling of which indicate that an illiterate person made it.

The Captain Byrne mentioned in Messrs. Marshall's letter arrived soon after the letter, and, as I understand, engaged and superintended the embarking of the passengers; but as soon as the stir began he disappeared, and cannot now be found, and it may be that this is known to the authorities, and has emboldened them to take the strong measures they have.

The vessel now lies at anchor in the river, with four hundred passengers on board, and a fair wind blowing.

Very respectfully I am, sir, your obedient servant,

H. WILDING.

[From the Liverpool Daily Post of November 18, 1864.]

THE ALLEGED RECRUITING FOR THE FEDERAL ARMY.

This matter is still under investigation by the police authorities. On Wednesday night upwards of fifty of the men who had declined to go in the Great Western when she left the dock were accommodated in the workhouse; and yesterday a large number of them thronged the entrance to the office of Messrs. Hull & Stone, in Cook street.

Yesterday eight of the young men who had been brought here from Ashton-under-Lyne and Stalybridge were selected from the others, and with the two young men who came from London, and who, as already stated, called at the police office and made a statement regarding the manner in which they alleged they had been entrapped, were taken to the office of Messrs. Fletcher & Hull, and there made affidavits in accordance with the statements given.

In the course of the forenoon Captain Cunningham, commander of the Great Western, applied at the police office for officers to go on board that ship and take off those persons who wished to leave, as he was anxious his vessel should sail. Detective Inspector Carlisle and Mr. Dalgleish (chief constable of Ashton-under-Lyne) accordingly went on board with Captain Cunningham. The passengers, to the number of between four and five hundred, nearly all young men, were mustered and asked if they wished to go to New York in the ship or to go ashore. All, with the exception of four, (who belong to Ashton, and say they were engaged by Mr. Hugh Shaw, who examined their teeth,) answered that they would go in the ship. The four young fellows who wished to leave were allowed to do so. Of those on board, it is stated that from one hundred and fifty to two hundred have been brought from different parts of Lancashire, and engaged to work in the "extensive glass manufactory." The remainder consist of young Irishmen and Germans, but the police have no information to show that they have been induced by false pretences to cross the Atlantic. Shaw and one or two other parties who are alleged to have taken an active part in the shipment, on observing Inspector Carlisle and Mr. Dalgleish on board the ship, took the best possible means to hide themselves from the view of the officers of the law. It is stated that a German, dressed in a kind of military uniform, was on board and appeared to exercise considerable authority over the passengers. He was assisted by a person styled by the passengers as "sergeant." Many of the men on board called out loudly that they were determined to go to New York or some other place than Lancashire, as they had been starving while in their own towns.

It is an important fact to note that of all the men to whom the police spoke while on board not one has a passage ticket. This of itself is a violation of the passenger act.

We have already intimated that the young fellows were in a destitute and half-starved condition. Yesterday Mr. Hull provided them with refreshments, and, with the assistance of a few friends on 'Change, raised sufficient funds to send back those who had been brought from Ashton and Stalybridge. Last evening fifty-three of them were accordingly sent off by the 6.45 train from Lime Street Station, in charge of Mr. Dalgleish.

We understand that the town clerk and his deputy are engaged investigating the law on the subject, and that the matter is likely to come before the magistrates to-day.

[From the Liverpool Daily Mercury of November 18, 1864.]

ALLEGED KIDNAPPING FOR THE FEDERAL ARMY.

The excitement caused by the importation into Liverpool of a number of youths from the manufacturing districts, who, it was alleged, were to be deported to New York, for the purpose of joining the federal army, continued yesterday, and speculation was rife as to what would be the upshot of the affair. Upwards of fifty of the men had been accommodated with beds at the Brownlow-hill workhouse, and in the morning were again taken to the police office. Inspector Carlisle was engaged again yesterday in investigating the matter. Eight men who had been brought from Ashton and Staleybridge by the Shaws were selected, and they made affidavits in regard to the affair at Mr. Hull's office. The two young men named Fenton and Whillock, who had been brought from London, and who state that one of the men who engaged them promised that they should have lieutenants' commissions in the federal army, have also made affidavits. These young men are highly intelligent persons, and give a very straightforward and consistent statement of their engagement in London and the subsequent proceedings of the agents, and there can be little doubt but their evidence will greatly assist the authorities in getting up the case for the prosecution, should a prosecution be determined upon. It seems that shortly after the London contingent had left the metropolis the secret as to the ultimate destination of the young men got out, and Fenton and Whillock, on their arrival in Liverpool, received telegrams from their friends warning them not to proceed to New York, as it was believed that the parties who engaged them intended to get them to enlist in the federal army.

Yesterday forenoon Captain Cunningham, the commander of the Great Western, called at

the detective office, and stated that he wished the police to accompany him on board the vessel for the purpose of taking off about 150 of the passengers. He also stated that he was desirous that the matter should be settled as quickly as possible, as he was anxious that his vessel should proceed to sea without loss of time. Subsequently Inspector Carlisle and Mr. Dalgleish, chief constable of Ashton, went on board the Great Western along with Captain Cunningham. The passengers, numbering between 400 and 500, were mustered on deck by Captain Cunningham. They were chiefly very young men. About 200 of them had been brought from the manufacturing districts on the pretence of going to New York to work in the "glass-works," while the remainder of them were chiefly Irish and German emigrants, but nearly the whole of them were capable of handling a musket. The "emigrants" were asked, in the presence of the officers, whether they were willing to go to New York or wished to be put on shore; and all of them, with the exception of four, said they were desirous of proceeding to New York. The four dissentients came from Ashton, and were examined by Hugh Shaw to see whether they had good teeth. It is conjectured that since the affair has been made public those who have the conducting of the arrangements have brought some influence to bear upon those on board the vessel in order to make them remain. If this be so, it would account for the change which has taken place in the intentions of some of the party, there being between 400 and 500 young men still on board, who must know by this time the object of their "friends" who are so anxious to decoy them across the Atlantic. One individual, a German, who was on board the vessel, and who wore some sort of a uniform, seemed to take a lively interest in the emigrants, and seemed to possess a considerable influence over a number of them. Another person from Staleybridge, who was addressed by some of the men as the "sergeant," evidently had some power over the Lancashire portion of the passengers, and told the officers that they were determined to go to America or some other country, and not to be left destitute in England any longer; while another of the emigrants told Mr. Dalgleish that "he was not going back to be put in jail to pick oakum."

The Shaws and some of the other prime movers in the matter, when they saw Messrs. Carlisle and Dalgleish on board the ship, got out of the way as soon as possible.

It is a remarkable fact, and will no doubt form an important element in any future proceedings that may be taken, that not one of the men to whom the officers spoke on board was furnished with a passage ticket. This is in itself a breach of the passenger act, and subjects either the captain or the owner of the vessel to a penalty.

The authorities were in a difficulty as to what they should do with those who had refused to proceed in the vessel. The men were all in a destitute condition, and had no means of reaching their native towns. Mr. Hull went on 'Change yesterday, and with the assistance of some benevolent gentlemen soon raised a sufficient sum to send back fifty-three of the men to Ashton and Staleybridge. They were accompanied to the station by Inspector Carlisle and Mr. Dalgleish. Before their departure some of the men expressed their warm thanks for the interest that had been taken in their behalf in Liverpool; while the whole body seemed delighted at having escaped from an expedition which seemed likely to end in their leaving their bones on the field in battles which have yet to be fought in the southern States of America.

Eight men who came from London are yet in Liverpool in an utterly destitute state, and any pecuniary aid from those who pity their helpless condition will be thankfully received.

We understand that the town clerk is investigating the affair, and it is likely that some application will be made to Mr. Raffles to-day at the police court.

The Great Western is still detained in the river by the authorities.

APPREHENSION OF A FEDERAL RECRUITING AGENT

The federals seem to have begun recruiting in Ireland again. One of their agents has just been arrested in Athlone. He is a man named Murphy, a native of Dublin, but for years resident in America; and the charge against him is an attempt to enlist four soldiers of the 25th regiment. He met them in a public house, and soon got into their good graces by paying for drink. After some time he introduced politics, and abused the English government, spoke of the probabilities of a rising of the patriots in this country, when Ireland would have her own again; and America was willing to assist her in the struggle, and thought that Irishmen ought to aid his adopted country in the present war. He then asked one of the soldiers in a whisper if he was Irish and a Roman Catholic. The soldier, a man from Galway, replied in the affirmative. He then asked him if he was willing to take service under the American flag, promising him, if he got nine others to go along with him, a liberal bounty and commission for himself. Four of the party seemingly assented, when an oath was attempted to be administered. In the mean time one of the soldiers, having left the house while these proceedings were going on, informed the police, and the prisoner was taken into custody. Murphy has been committed for trial. He is about sixty years of age, of military appearance, with gray beard and moustache. In his portmanteau were found a number of printed papers relating to military matters. He had ten sovereigns and some silver in his purse, and a letter telling him where to look for money if he should require it.

Mr. Seward to Mr. Adams.

No. 1186.] DEPARTMENT OF STATE,
Washington, December 13, 1864.

SIR: You will please lay before Earl Russell the copy of a communication which the Secretary of War has just received from Major General Dix, who is charged with the protection of our Canada frontier.

After our recent communications her Majesty's government cannot now be surprised to learn from this report that there is imminent danger of a war being waged against the United States from the British North American provinces. I hope the subject may receive immediate and serious consideration. Certainly its importance could not be exaggerated, since it is the interest and desire of both countries to remain in mutual peace. I have asked Mr. Burnley to give notice of the danger to his excellency the Governor General of Canada. It is hardly necessary to add that if such invasion as is now apprehended shall actually come, and organized defence become necessary on our part, the existing intercourse, commercial and social, between the British provinces and this country, will necessarily be subjected to interruptions which will be likely to produce very serious inconvenience.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

General Dix to the Secretary of War.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, November 22, 1864.

SIR: I have the following reliable information:

There are about forty rebels in Marysburg, Prince Edward's county, Canada, and northwest of Oswego. They drill regularly about three times a week, and are armed with revolvers. They board with the farmers in the neighborhood, seem to have plenty of money, and say they belong to John Morgan's corps. These organizations for hostile purposes on Canadian soil are so plainly in violation of all the obligations of neutrality, that I cannot doubt the willingness of the Canadian authorities to put an end to them on proper notice. There are some indications of retaliation on the part of our citizens along the frontier on account of the outrages, and I think the publication of my report in regard to the former would have a salutary influence on both sides of the line.

I am, very respectfully, your obedient servant,

JOHN A. DIX, *Major General, N. Y.*

Hon. E. M. STANTON, *Secretary of War.*

Mr. Seward to Mr. Adams.

No. 1187.] DEPARTMENT OF STATE,
Washington, December 13, 1864.

SIR: The President's annual message was sent to Congress on the 6th instant. The statement of affairs, the suggestions of measures, and its cheerful tone, seem to be generally satisfactory.

The Hon. Salmon P. Chase, of Ohio, has been appointed Chief Justice, and the Hon. James Speed, of Kentucky, has been appointed Attorney General, with the advice and consent of the Senate of the United States. Congress has done little more than to complete its organization.

The military situation is best described as being one of intense expectation. Lieutenant General Grant is engaged in important movements. What has transpired concerning these movements is the marching of General Warren, on the 6th instant, with a large force directed against the Weldon railroad. The effect is not yet known. Other manœuvres of the forces at Richmond are ex-

pected without delay. We know that on the 7th Major General Sherman had advanced to a point half-way between Milan and the Savannah river. Later reports abound, but they are not reliable. Major General Thomas is besieged by Hood, but the official reports give us no uneasiness about the safety of Nashville, or of Knoxville. Important events may soon be expected in this quarter. The press has rumors, which, however, are believed to be groundless, that General Foster and Admiral Dahlgren have cut the railroad connexion between Charleston and Savannah.

The intrigues of rebel emissaries, promoted during the whole summer and autumn, have ripened into alarming menaces of the peace of the Canada border, and of the principal cities in the loyal States. It is an expensive guerilla warfare prosecuted from neutral ground, and it is not likely to advance the insurrection at home or increase its popularity abroad.

The Canada's mails have not been received. It is understood that Lord Lyons will embark at New York to-morrow.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(The same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1189.] DEPARTMENT OF STATE,
Washington, December 13, 1864.

SIR: I transmit a copy of a communication of the 12th instant from Brigadier General E. D. Townsend, addressed to me by direction of the Secretary of War, in relation to the alleged manufacture of Greek fire at Windsor, Canada, to be used by rebel emissaries in attempts to burn certain cities of the United States. I will thank you to lay a copy of the paper before Earl Russell, with a view to the adoption of such preventive measures as may be practicable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

General Townsend to Mr. Seward.

WAR DEPARTMENT,
Adjutant General's Office, Washington, December 12, 1864.

SIR: By direction of the Secretary of War, I have the honor to forward herewith copies of letters from Major General Hooker and Lieutenant Colonel Hill, in relation to the manufacture of Greek fire at Windsor, Canada, to be used in firing certain cities of the United States by rebel emissaries.

I have the honor to be, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. WM. H. SEWARD, *Secretary of State.*

General Hooker to General Townsend.

HEADQUARTERS NORTHERN DEPARTMENT,
Cincinnati, Ohio, December 6, 1864.

GENERAL: I have the honor to forward herewith a copy of a letter, dated the 3d instant, just received from Lieutenant Colonel B. H. Hill, commanding the district of Michigan, as it contains information of importance to all of our frontiers bordering on Canada. The information has been furnished by one of our most reliable detectives, and unusual confidence may be placed in it. A few days since, advices of similar import were received by me.

From the letter it will be seen that refugees and deserters from the rebel confederacy are engaged in the manufacture of Greek fire, at Windsor, in Canada, to facilitate their incendiary purposes. With regard to attacks from armed bodies of rebels I feel much less apprehension than from individual efforts to burn and plunder our cities, as my means of information are such that I hope to be able to anticipate the former.

It is almost unnecessary for me to add that I have enjoined increasing vigilance and activity on the part of the military and civil authorities throughout my command.

Very respectfully, your obedient servant,

JOSEPH HOOKER, *Major General Com'dg.*

Brig. Gen. E. D. TOWNSEND,
Adjutant General U. S. A.

Official copy:

E. D. TOWNSEND, *Asst. Adjt. General.*

Colonel Hill to Captain Potter.

HEADQUARTERS DISTRICT OF MICHIGAN,
Detroit, Mich., December 3, 1864.

SIR: I have the honor to report that, from information I have received, I am satisfied that very extensive preparations are being made in Canada for burning not only cities on the lakes, but others, and it is very necessary that great precaution and vigilance should be observed everywhere.

I have the assurance that Greek fire is being prepared in Windsor. Buffalo, Cleveland, and this city will be the principal cities to be burned; and there will be armed attempts to rob and plunder. Cincinnati and Louisville are also mentioned.

I am also informed that by some means a large number of rebel soldiers have been introduced into Canada; some, it is said, have been furloughed and have made their way through the lines.

I have, at this time, very excellent means of obtaining information, and the only apprehension I have is that the person in my employ may fail me at the last moment.

In this city I have called the attention of the hotel-keepers to the necessity of observing great vigilance in regard to their guests, and the hotels are daily visited by a secret agent in my employ.

I am, captain, very respectfully, your obedient servant,

B. H. HILL,
Lieut. Col. 5th U. S. Artillery, Com'dg Dist. of Michigan.

C. H. POTTER, *Captain & A. A. G.,*
Headquarters Northern Department, Cincinnati, Ohio.

Official copy:

E. D. TOWNSEND, *Asst. Adjt. General.*

Mr. Seward to Mr. Adams.

No. 1190.] DEPARTMENT OF STATE,
Washington, December 14, 1864.

SIR: I have just received information, by telegraph, from Montreal, that the felons who proceeded from Canada into Vermont and committed the crimes of robbery, burglary, and murder at St. Albans, in that State, and who were arrested in Canada upon a requisition of this government, under the tenth article of the treaty of the 9th of August, 1842, have been set at liberty; that the stolen money which was found upon them has been restored to them, and that they are now at large near the border of the United States, in the province aforenamed.

This grave circumstance renders it my duty, under the direction of the President, to ask whether her Majesty's government has taken or purposes to take any measures to prevent a renewal of the invasions of the territory and sovereignty of the United States from the border provinces. If such measures

have been taken, or are to be taken, this government desires to know their character, so far as it may be consistent with the interests of Great Britain to communicate the same.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1191.] DEPARTMENT OF STATE,
Washington, December 15, 1864.

SIR: Referring to the correspondence between this department and yourself in regard to the refusal of the British authorities to deliver up the deserters from the Iroquois, I give you herewith a copy of a note which I addressed on the 14th instant to J. Hume Burnley, esq., announcing the decision of this government upon the application made through her Majesty's legation here for the delivery up of two apprentice boys who deserted from the British bark Cuzco, at Valparaiso, and enlisted on the United States sloop-of-war St. Mary's, and for indemnification of the Cuzco at that port.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, December 14, 1864.

SIR: On the 11th of July last Lord Lyons, under instructions of Earl Russell, addressed to me a note informing me that two apprentice boys, employed on board the British bark Cuzco, deserted at Valparaiso and enlisted in the United States naval service on board the St. Mary's. Lord Lyons informed me that Captain McPherson, of the Cuzco, stated that he went on board the St. Mary's and demanded that the apprentices should be given up, and that the commander of the vessel gave Captain McPherson no satisfaction, and only replied that the boys could not be found without a deal of trouble; whereupon, the Cuzco being ready for sea, Captain McPherson was under a necessity of sailing without them.

On my receiving the communication of Lord Lyons, Rear-Admiral Charles H. Bell was immediately directed to investigate the matter.

On the 25th of August last, in the absence of Lord Lyons, you recalled my attention to the subject, on which occasion you presented to me a bill of damages resulting from the desertions of the Cuzco, amounting to thirty-nine pounds six shillings and twopence sterling.

On the 16th of November last I had the honor to communicate to Lord Lyons the result of the investigation which had been directed in this case of two British deserters. It appeared that while the St. Mary's was lying at Valparaiso the captain of the Cuzco came on board and reported the fact of the alleged desertion; the apprentices concealed themselves on the St. Mary's so effectually as to baffle a search for them, which was made with good faith and diligence. After the departure of the Cuzco the deserters appeared. Arthur Cox, one of the deserters, was afterwards condemned by medical survey, and sent on the 31st of August last to the naval hospital at New York; the other, named Williams, was transferred with others to the United States ship Levante, which is attached to the United States squadron on the Pacific.

I have now to inform you that this government does not deem itself under either a legal or a moral obligation to deliver up the aforenamed deserters or to pay any damages for their desertion.

This decision is based upon the ground that on the 14th of September last, when the United States ship Iroquois was lying in the Downs, in England, two of her seamen deserted to the British shore; they were arrested at Dover and taken before a magistrate; the magistrate discharged them on the ground that they could not be abridged of their liberty by any law recognized in the United Kingdom.

Mr. Adams complained of this proceeding to Earl Russell. Her Majesty's government affirmed the proceeding of the magistrate. It is not supposed that that government expects from us any different measure of justice or liberality than that which they mete to the United States.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 832.] LEGATION OF THE UNITED STATES,
London, December 16, 1864.

SIR: * * * * * * * * * * *

In accordance with the desire expressed in 1164, of the 29th of November, I have transmitted to Lord Russell the information contained in General Dix's letter respecting the rebel organization at Marysburg, Prince Edward's county, in Canada.

It is announced that Parliament will meet for the despatch of business on the 7th of February next.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 833.] LEGATION OF THE UNITED STATES,
London, December 16, 1864.

SIR: I transmit herewith copies of the London Times and the Daily News, containing a report of a case which came up for trial before Baron Martin, of the court of exchequer, involving a claim for goods furnished to persons engaged in running the blockade. The remarks made by the judge are particularly deserving of attention. They seem to have placed the solicitor general, who happened to be retained on the wrong side of the question, in some embarrassment.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[From the London Times of December 12, 1864.]

ELLISSEN AND ANOTHER *vs.* JORSS AND ANOTHER.

The solicitor general and Mr. Thomas Jones were counsel for the plaintiffs; Mr. Hawkins, Queen's counsel, Mr. Mellish, Queen's counsel, and Sir George Honyman appeared for the defendants.

This was an action by the plaintiffs, merchants in London, against the defendants, who are merchants at Leeds. The declaration was an agreement entered into between them, whereby it was agreed that the plaintiffs should supply the defendants with shipping to the amount of 250 tons for the purpose of enabling the defendants to send a cargo to Charleston to run the blockade. The contract was composed of a series of letters, and the defence was that they did not constitute a definitive contract. The defendants had also pleaded that the contract was illegal, as being in contravention of international law, but this plea was withdrawn. A Mr. Laforce was the person whose ship the plaintiffs had engaged for the purpose of receiving the defendants' cargo, and the defendants having failed to supply it, Mr. Laforce sent the ship with a cargo on his own account and attempted to run the blockade with her,

but ship and cargo having been both captured by a federal ship-of-war, and the voyage having been fruitless, Mr. Laforce brought an action against the plaintiffs for not providing cargo, and obtained £1,800 damages. The present action was therefore brought to recover from the defendants this sum of £1,800 and the costs they had been obliged to pay.

Upon the opening of the case by the solicitor general,

Mr. Baron Martin said he supposed the real question would be whether there was a contract or not.

The solicitor general said that was so.

Mr. Baron Martin stated that he thought upon the correspondence there was evidence of a contract, but he should tell the jury that as to damages they ought only to be nominal. It could not be suffered that persons should openly engage to commit a breach of the Queen's proclamation, which might have the effect of involving this country in a war with the United States. He would suggest that the case should be taken as stated and some gentleman appointed to fix the amount of damages.

Mr. Hawkins said that he thought it advisable to have the parole evidence of the conversations between the plaintiffs and defendants preparatory to the correspondence taking place.

The solicitor general said that he should have contended that although the ship had been taken in attempting to run the blockade, the freight had been earned as soon as the goods were put on board, and did not depend upon the success of the voyage.

Baron Martin said it was worthy of observation that this was a transaction between parties which went directly to involve this country in a war with the United States, and that of those parties there was only one single English name, Mr. Beach, and it was said that he was not a native Englishman, but a southerner. It was a transaction over which the government of this country had no control, and yet it was one in which they had, no doubt, been seriously blamed.

Ultimately it was arranged that a special case should be stated for the opinion of the court above.

[From the Daily News of December 12, 1864.]

COURT OF EXCHEQUER—DECEMBER 10.

(Sittings at Nisi Prius at Guildhall, before Mr. Baron Martin and a special jury.)

ELLISON *vs.* JORSS.

This was an action for the breach of contract to furnish a freight for a vessel.

The solicitor general and Mr. T. Jones were counsel for the plaintiffs; and Mr. Hawkins. Queen's counsel, Mr. Mellish, Queen's counsel, and Sir George Honyman, for the defendants,

The plaintiffs, Messrs. Ellison, were merchants in London, and Messrs. Jorss and North, the defendants, were also merchants, carrying on business at Leeds. The case for the plaintiffs, as opened by the solicitor general, was that in March, 1862, Mr. Jorss called upon Mr. Ellison and said he was in want of a vessel to take some Manchester goods to Charleston—in short, to run the blockade. Mr. Ellison knew that a Mr. Lafone, of Liverpool, had a steamer called the Tubal Cain, which he thought would answer his purpose, and he made arrangements with him for the conveyance of goods to the amount required by the defendants. A long correspondence by letters and telegrams ensued between the plaintiffs and defendants, the result of which was that the defendants agreed to send 200 or 250 tons of Manchester goods to Charleston by the Tubal Cain, and pay 15 pounds per ton. Subsequently they refused to carry out the arrangement, ostensibly because the vessel was not of the tonnage which they alleged the plaintiffs had represented, but really because they found they could get freight at a cheaper rate. There had been a plea of illegality of the transaction, but it had been withdrawn, and the case presented no complication or difficulty in that respect.

Mr. BARON MARTIN said that, having looked at the correspondence, he thought there was a contract, but his impression was that the jury could only give nominal damages, because the contract was an illegal one, directly opposed to the Queen's proclamation, and having a direct tendency to involve the country in war.

The SOLICITOR GENERAL. If there had been a plea of illegality that difficulty might arise.

Mr. BARON MARTIN. What I suggest is that you should take the opinion of the court as to whether there is a contract; and if they think there is, then that they should appoint an arbitrator to assess the damages on such principle as they may direct.

The SOLICITOR GENERAL. I shall advise my client to agree to that.

Mr. BARON MARTIN. I don't think that a person bringing an action upon an illegal contract of this nature can recover damages.

The SOLICITOR GENERAL. Allow me to say a word upon that point. I am the last man to stand up for a contract having the tendency your lordship states. [Laughter.]

Mr. BARON MARTIN. The Queen, for the good of the state, and, if possible, to keep the country out of war, issued a proclamation, ordering in the most direct terms that this shall not be done.

Mr. HAWKINS. We are quite prepared to go into the box and criminate ourselves, and be *cross-examined* by the solicitor general. [Laughter.]

Mr. BARON MARTIN. I think the course I suggest would do justice to all the parties and save expense.

The solicitor general again reminded his lordship that the plea of illegality had been withdrawn.

Mr. BARON MARTIN. But neither that nor the fact of the parties choosing to treat the transaction as a matter of honor will blind me or the court above as to the nature of the contract.

The SOLICITOR GENERAL. Mr. Justice Willes took an opposite view of the matter to your lordship.

Mr. BARON MARTIN. There is no judge for whose opinion I have greater respect, but upon this point I must have a judgment of my own. I cannot think that a jury would give damages for the breach of a contract which is against the Queen's proclamation for the general good of the community.

The SOLICITOR GENERAL. I believe that the court of common pleas confirmed the decision of Mr. Justice Willes. The learned counsel then stated that in consequence of the defendants not performing their contract, Mr. Lafone, the owner of the Tubal Cain, brought an action against the present plaintiffs for this breach of faith. It was tried before Mr. Justice Willes at Liverpool. Mr. Ellison was advised to set up every possible defence, and among other pleas there was one of illegality; but Mr. Justice Willes held that it was not a good one, and the result was that Mr. Lafone obtained a verdict for £1,885. The Tubal Cain was captured in running the blockade; but that did not signify, as evidence was given at the trial to prove that. It was the custom at Liverpool and London, in this trade, that where the freight was not expressly made payable until the conclusion of the voyage, the freight was earned the moment the vessel started.

Mr. BARON MARTIN said he never heard of that custom before.

The SOLICITOR GENERAL. I will call the foreman of the jury who gave the £1,885 damages, and whom Mr. Mellish, who appeared for Mr. Lafone, addressed with so much effect. I will also call Mr. George Gladstone.

Mr. MELLISH. The jury cut down the damages by one-half. Mr. Justice Willes said the damages ought to have been double the amount.

The SOLICITOR GENERAL. With regard to the question of damages, I may state that my client, in addition to the £1,200, had paid £185 for the costs of Mr. Lafone, and £95 for his own attorney's costs, and then he has lost all the profits of the voyage. We say that he ought to recover as much as £2,707, or, upon another principle of calculation, £3,707. In conclusion, the learned counsel said that this was one of the hardest cases which was ever brought before a court of justice.

Mr. BARON MARTIN. I do not think there is any hardship if the party agrees to take the risk of running the blockade.

Mr. Ellison, one of the plaintiffs, who spoke with a foreign accent, said that in March, 1862, Mr. Jorss called upon him and said he was going to Paris to settle with some gentlemen about an expedition to the Confederate States, and that he wanted a ship to take some goods to Charleston. He asked if he (the plaintiff) knew of any ship, and he replied that Mr. Lafone had a ship for which he wanted goods. He asked witness to make inquiries, and then followed the correspondence which had been read. He stated that supposing the defendants had performed the contract, if they shipped 200 tons, he would have received for freight £3,000, and if they shipped 250 tons, £3,700.

After some discussion between the parties, it was ultimately agreed that a verdict should be entered for the plaintiff, damages £2,707 6*s*. 10*d*., subject to a special case to be stated for the opinion of the court above.

Mr. BARON MARTIN said it was worthy of observation that in this transaction, which had a direct tendency to involve this country in a war with the United States, not a single English name appeared except Beach, and the person who bore that name was the consignee of the goods in the southern States, and probably he was an American.

Mr. HAWKINS. He is a southerner.

Mr. BARON MARTIN. Much blame is cast upon the English government in respect of these transactions, which it is almost utterly impossible for them to stop. This transaction is conducted entirely by foreigners in this country, not a single Englishman having anything to do with it. Very likely that is the history of most others of the same kind. They come over here, and while enjoying the freedom of this country, engage in transactions which have a direct tendency to involve us in war.

Mr. Adams to Mr. Seward.

No. 835.] LEGATION OF THE UNITED STATES,
London, December 16, 1864.

SIR: I have the honor to transmit an address of the emancipation society of London to the President, which was presented to me by a large and respect-

able deputation that waited upon me yesterday. A copy of the Star, of this morning, which contains a report of the proceedings, is likewise sent. I am not without serious doubts of the expediency of this sort of thing, and should have no objection to receiving general instructions which might be used as authority for the minister to decline to receive deputations. As it is, I do not like to take the responsibility of appearing churlish to those who have labored so earnestly and so successfully to maintain friendly relations between the two countries. I can imagine cases in which a minister might find himself much embarrassed by the manifestation of less kindly sentiment.

I likewise transmit two other addresses, of the same kind, which have been put into my hands within a few days. I am also notified of the existence of another, from the workingmen, which will probably not be prepared for transmission until next week.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Enclosures.]

1. Address from the London Emancipation Society.
2. The Morning Star, December 16, 1864.
3. Address from New Milas, Scotland.
4. Address from workingmen of South London.

[From the London Morning Star of December 16, 1864.]

Address to President Lincoln.

DEPUTATION TO THE AMERICAN MINISTER.

A numerous and influential deputation from the Emancipation Society waited upon the Hon. C. F. Adams, the American minister, yesterday afternoon, at his residence in Portland Place, to present to his excellency, for transmission to the United States, an address congratulating President Lincoln on his re-election. The deputation consisted of the following gentlemen: Mr. William Evans, (chairman of the society,) Sir Charles Lyell, Bart., Mr. P. A. Taylor, M.P., Mr. Thomas Hughes, (of Lincoln's inn,) Mr. S. Lucas, Mr. J. M. Ludlow, Professor F. W. Newman, the Rev. Dr. Brock, the Hon. and Rev. Baptist W. Noel, M.A., Mr. B. Scott, chamberlain of London, M. Victor Schoelcher, (formerly under minister of marine in the French provisional government,) Mr. James M'Henry, Mr. Cunningham Borthwick, the Revs. J. W. Massie, D.D., J. Burns, D.D., J. W. Bayley, D.D., J. S. Jones, incumbent of Christ church, Liverpool, W. D. Corkren, (Brentford,) J. C. Gallaway, M.A., T. Jones, (Blackheath,) and Dawson Burns, Dr. Frederick Tomkins, (Temple,) Mr. W. T. Malleson, treasurer, and Mr. F. W. Chesson, hon. secretary of the society, Mr. H. J. Slack, F.G.S., Alderman Towle, (Oxford,) Mr. J. Cunnington, (Brentford,) and Messrs. J. A. Nicholay, John Gorrie, Mason Jones, C. H. Elt, W. Johnson, (Cambridge,) R. Hill, (Bedford,) George Newman, T. Cooke, (Leicester,) G. J. Holyoake, F. M. Edge, R. Hannah, E. Wainewright, G. Dornbusch, R. W. Biggs, (Devizes,) John Moore, W. Farmer, J. A. Horner, John Frost, F. Wright, W. E. Dawes, T. Hattersly, and many others.

Mr. William Evans, addressing Mr. Adams, said:

SIR: I have the honor, as chairman of the Emancipation Society, to request you to do us the favor of transmitting to President Lincoln an address which has been unanimously agreed to by the society, congratulating him on his election a second time as President of the United States. Perhaps it would not be proper for us, ordinarily, to interfere in a matter which has reference to the internal affairs of the United States, but there is a significance in Mr. Lincoln's election which takes it out of the category of ordinary events. You are all aware that we have taken a zealous, active, and important part in the emancipation of the negro. By example, by enormous sacrifices, by diplomacy, and by every other means in our power, we have endeavored to rouse the sentiment of the world to the horrors of slavery. We believe that the example of this country has been the means of introducing in your own countrymen what we consider a sound and wise view of this question, and has awakened the conscience of the north on this subject. The awakened feelings of the north on the subject has driven the slaveholders to rebellion, and that is really the whole cause of the war. (Hear, hear.) The election of Mr. Lincoln under such circumstances we regard as an indorsement by the people *of the United States* of that policy which we conceive to be so important. We have seen

with the greatest satisfaction the re-election of Mr. Lincoln; we feel that it is a great step in the right direction. We sympathize deeply with the sufferings of the people of the United States. They are undergoing great trials which we believe to be in the world's cause; but we feel confident that success will crown all their efforts. We have much pleasure in asking that this address may be transmitted through you, than whom a better friend to the two countries does not exist. (Cheers.)

Mr. F. W. Chesson, the honorable secretary, then read the following address adopted by the Emancipation Society for presentation to Mr. Lincoln:

"*To his excellency Abraham Lincoln, President of the United States of America.*

"SIR: We, the president and members of the Emancipation Society, with profound respect for your person and for your office, congratulate you upon your re-election as President of the United States of America.

"Your first election marked you out as the freely chosen leader of the people for the express and avowed purpose of resisting the encroachments of the slave power, and we rejoice that, after four years' experience, your countrymen have again determined that you shall act as their Chief Magistrate for another term of office, in order that the hateful institution of slavery may be entirely abolished.

"We agree with those who elected you in their deductions that 'slavery was the cause of the rebellion' which it is your duty to quell; that it 'must be hostile to the principles of republican government;' and that both 'justice and national safety demand its extirpation;' and we at the same time feel confident that whilst vigorously conducting the remaining operations of the war, so as to accomplish this high purpose, your administration will be guided, as it has hitherto been, by an earnest desire to mitigate the sufferings inseparable from a condition of strife. We have noticed with peculiar satisfaction the sanction and aid given by your government to the voluntary efforts of the Sanitary Commission, whose agents have not confined their beneficent action to their own party in the struggle, but have bestowed the greatest care and attention upon the sick and wounded rebels who have fallen into your hands.

"We deplore the loss of valuable life in the protracted conflict which the slaveholders have forced upon your country; but it is an honor to you and to your fellow-citizens that no prisoners have been put to death for the mere fact of being taken in arms against your government, and we have faith that you will continue to show all possible mercy and forbearance to the enemies of your republic, and thus leave to your contemporaries and to posterity the grateful task of placing your moderation in noble contrast with the deplorable and sanguinary ferocity exhibited by European despots towards those whom their cruelty has driven to revolt.

"That your exertions may shorten the duration of the war, and that your country, thoroughly purged and purified from the crime and curse of slavery, and with every citizen, without regard to race or color, standing in perfect equality before the law, may enjoy internal happiness, and exert a useful and wide-spread influence for the advancement of liberty and the general good of mankind, is the wish and prayer of your sincere friends.

"WILLIAM EVANS, *Chairman.*
"P. A. TAYLOR,
"W. T. MALLESON, *Treasurers.*
"F. W. CHESSON, *Hon. Secretary.*

"LONDON, *December*, 1864."

Mr. P. A. TAYLOR, M. P., the treasurer of the society, then said: I am glad to be allowed to add one word in addition to the address to President Lincoln, and to the observations of the chairman. We are certainly here to-day under somewhat exceptional circumstances. Under ordinary circumstances, if we took the course of presenting such an address to the President we might be open to the criticism of taking an unusual if not an impertinent step; and we might almost as well expect to hear the merchants of New York meeting and waiting upon Lord Lyons to congratulate him upon the success or failure of one of our great parties—of Lord Derby or Lord Palmerston. But we take it that these are no ordinary circumstances, and that it is no ordinary crisis through which America has been passing. A struggle of so tremendous a nature that modern history does not afford its parallel cannot be carried on without causing a wave of sadness and distress all over the world. We think we are in harmony with large numbers of our own countrymen, and with the best and truest of your countrymen, in rejoicing over the re-election of President Lincoln. We think we see in that re-election, first, a forecast of the entire reconstitution of the great republic; secondly, the promotion of the abolition of that system of slavery which has been the spot of disgrace upon your countrymen; and, thirdly, and as arising out of these two, we think we see in the future relations of England and America, based as those relations will be on ties of mutual esteem and respect, and on the natural sympathies of two nations looking back to a common origin, and animated by common aspirations, a state of things which will tend towards the realization of peace, progress, and civilization. (Cheers.)

The Hon. and Rev. BAPTIST NOEL said: I am very glad to express the feeling of great gratification with which I, in common with the gentlemen here, heard of the re-election of Mr. Lincoln as a tribute from the American nation to his wisdom, to his patriotism, to his honesty,

and to his firmness. (Cheers.) It also, I think, expressed their thorough conviction that, while they were putting into his hands the powers that were necessary to bring the great rebellion to a close, they were quite confident that their domestic liberties were safe in his hands. (Hear. hear.) Their choice seems to me to be as creditable to the intelligence of the nation as it was to his virtue. It must surely exercise a powerful influence upon the counsels of the south, because the nation has taught those who are in rebellion—the leaders of that rebellion—that it is as firm and resolute to maintain its own rights as they are ardent to secure the triumph of their lawlessness. That being the case, the leaders of the rebellion—especially if the magnanimous, generous, and Christian-like proposal of General Butler to include them in an amnesty, from which they would have excluded him, were adopted—would have no further grounds to sustain this struggle except the resolute determination to commit two crimes—the crime of causeless rebellion and the crime of cruel slaveholding. I cannot but hope that the leaders themselves, when they see the equal firmness and generosity of the north, may yield to wiser feelings; and, at any rate, it is satisfactory to observe repeated and growing evidence that the non-slaveholding population of the south is not so reluctant to return to the Union, where they may enjoy liberty, fraternity, and equality, under the folds of the old flag. (Hear, hear.) Whatever may be the case in the south, it appears to us here that, by the result of that election, the nation has expressed its determination, unmoved by any advice from any quarter, by the weight of taxation and debt, by the miseries and horrors which war may engender, by any treason at home, or by any temporary military reverse, not to abandon their resolution to extinguish the rebellion—the only source by which, as it seems to many others, the cruelties of the slaveholding system can be brought to an end, and your nation secure a permanent and honorable peace to itself. (Cheers.)

Sir CHARLES LYELL, Bart. I did not expect to be called upon to make any remark; but I may say that having visited the United States several times, I feel thoroughly convinced that this is a struggle betweed a higher and a lower civilization. (Cheers.) I have felt intense interest in the contest, and, although I have been greatly surprised at the amount of resistance which the south has been able to show, I have never felt a doubt of the issue. Much as I deplore the suffering, the loss of life, and the bloodshed caused by the war, I feel satisfied that had the north been able more readily and immediately to put down that rebellion, we should not have attained that result which this society so earnestly desires—the emancipation of the negroes in the south. I believe that result would not have been so effectively brought about as it will be in consequence of the great resistance which the south has been able to make. (Cheers.)

Rev. Dr. MASSIE next spoke and said he had mcuh pleasure in giving expression to a sentiment which had grown in his mind since his visit to America as the deputation of the anti-slavery conference, which adopted and sent an address to the ministers of all denominations in the United States. That sentiment was, that the English and Americans were one people though two nations. Their sympathies, their literature, their religion, and most of their laws have the same origin and the same tendency, and their union as one people, though two nations, would be of advantage to liberty not only in their own countries but all over the world. (Hear, hear.) He was sorry to say that from certain very ostentatious displays of literary advocacy and the sympathy which had been given to the south, there was a danger of an unkindly feeling being engendered in the minds of their friends across the Atlantic; but those parties and the people who followed them did not represent the middle and working classes, the backbone and sinew of the nation. (Hear, hear.) He had lately visited the leading towns in the north of England and in Scotland as a deputation from the Freedmen's Aid Society, and he had found in all the meetings which he had held that the sympathies of the people were unanimously with the north. They had hailed the re-election of Mr. Lincoln with cordial, unanimous, and indeed enthusiastic feelings as a great blessing, not only to America, but to the world. (Hear, hear.)

Mr. THOMAS HUGHES. I am delighted to take this opportunity, or any other, of testifying my deep and intense sympathy with the cause of law, of freedom, and of righteousness, which I believe to be the cause of the north. I have also great pleasure in taking this and any other occasion of testifying my hearty admiration of the noble simplicity and grand steadfastness of purpose of President Lincoln.

Rev. Dr. BROCK said that the moral spectacle presented by the election of Mr. Lincoln would be for admiration throughout all generations. When they recollected the prognostications that he would certainly be beaten—when they saw the efforts that were made to defeat him—his triumph was significant and complete; and when they recollected that everything was done in a peaceful and constitutional manner, and that upon Mr. Lincoln's election there did not rest a blot such as there did upon some elections with which they were familiar —(hear, hear)—they had reason to thank God and take courage. (Hear, hear.)

Dr. FREDERICK TOMKINS said he had accompanied Dr. Massie as the deputation of the Freedmen's Aid Society, and he could bear out his statement as to the universal sympathy of the working classes in the places they had visited with the cause of the north and abolition.

Rev. Mr. JONES, who represented the Liverpool Emancipation Society, said that that society had to fight one of the hardest battles and moral campaigns in which they had ever been engaged in this country, and the result of which he ventured to say was highly satisfactory. He believed that nowhere more than in Liverpool would the election of Mr. Lincoln have a

marvellous effect. He believed that Liverpool society was rapidly developing into two classes—those who had always had a latent sympathy with slavery, and with whom morally they had nothing to do; and those who had always had a latent sympathy with freedom, of whom the great majority, if not the whole, will soon be convinced that the cause of freedom was identified with the cause of union. (Cheers.) Mr. Lincoln's re-election had exercised a powerful effect on the public mind, and in the future relations of Liverpool and the United States it would be found that nowhere more than there was the conviction rooted that the cause of freedom and cause of union were one.

Mr. MASON JONES said he could confirm the observations of preceding speakers as to the feelings of the working classes on this question. He had addressed meetings in Manchester, Liverpool, and other towns, and he had found without exception that the working classes were in favor of the north. He regretted to say, however, that while the hearts were generally on the side of the north, the pockets were generally on the side of the south; the men with the fustian jackets were in favor of liberty, and those with black coats were generally in favor of slavery. (A laugh.) He hoped that in the further construction of the Union there would be no compromise with the slave power; that the conservative party in the north would not be allowed to dictate to Mr. Lincoln; that slavery would not only be abolished, but that the negro would be invested with full political freedom; that there would be throughout the Union one indivisible liberty for all, of whatever race and color.

Dr. BURNS wished to point out that the President had been elected under different circumstances this time to what he was formerly. Then he was elected to be Chief Magistrate to both north and south, but this time he was not tied by political bonds to act otherwise than as his noble head and his large heart might direct him.

Mr. J. A. NICHOLAY, as one largely familiar with the opinions of large masses of the working classes, wished to add his testimony to their universal feeling in favor of the cause of the Union and emancipation. He expressed his belief that the expression of public feeling which was inaugurated by the great Exeter Hall meeting, and followed by the St. James's Hall and other meetings, had had a very powerful effect, and had preserved the country from serious complications.

His excellency Mr. ADAMS made the following reply:

MR. CHAIRMAN AND GENTLEMEN: I receive the address which you are pleased to commit to my care with great satisfaction. Coming, as it does, from an association of such respectability in this kingdom, it cannot fail to be regarded in America as a strong proof of the friendly interest taken by a considerable portion of the English people in the welfare of the United States whilst passing through their great perils. This will do great good; for I cannot disguise from myself or from you the painful fact that an opposite disposition has been manifested here in very influential circles, and that the knowledge of this has given rise to a general impression among my countrymen that the whole British nation really desires the disruption and consequent downfall of the power of the United States. Hence has sprung up a corresponding degree of ill-will which bids fair, if not counteracted, only to increase with time. If such passions be permitted a full indulgence between two nations, it needs little sagacity to foretell that in the long run the end is war. Very fortunately for us all in the present case, the demonstrations already made by yourselves, and many other associations whose friendly communications from various portions of the kingdom I am now continually receiving for transmission to America, will enable those who value the blessings of peace and international amity to prove that, whatever may be the hostility of some, it is by no means shared by the greater number of the British people, and ought not to be presumed to be a national impression. (Cheers.) Permit me, gentlemen, further to observe that the election to which you refer in your address has drawn out as full and general an expression of the opinion of the whole people of the region in which it has taken place as has ever been the case in the most peaceful times. Never was a canvass more perfectly free, nor more latitude taken in the discussion of public questions and of the characters of public men. Under these circumstances it is needless to point to you how mistaken have been the notions of some that any essential variation has taken place in the general operation of free institutions in all that portion of the United States (constituting much the greatest part) not immediately the theatre of the war. [Cheers.] I would further beg leave to call your attention to two points which the history of the late election appears clearly to establish. The first is the practical impossibility of making any effective separation of the personal and political interests of the two sections of America now involved in this deplorable struggle. This is indubitably shown by the fact, that at no time in our history has so direct and persistent an effort at interference to control the event of the election of President been made by the people of the insurgent States as upon this last occasion, whilst they profess—and doubtless honestly—their desire to separate themselves wholly from it. The notorious projects devised by some of their agents at Niagara Falls in the autumn, followed as they were by the nomination at Chicago of a candidate for the presidency committed to a policy dictated by that portion of the people well known to be most in sympathy, if not in absolute communication with them, furnish evidence enough of this truth, if the same were not confirmed by the regrets unequivocally expressed since by certain prominent leaders in the southern States, at the failure of their expectations from that nomination. This shows that whatever might be the sincerity with which either portion of the country might act in the sup-

position that it should consent to pledge itself to a complete separation, the fact that the political interest of the two are inextricably intertwined will, under every possible circumstance, render all such promises in practice futile and void. The second point to which I would advert is naturally suggested by the first. It is this—that the only real question of difference between the two parties in the election was that which directly involved the interests of the slaveholding insurgents much more than those of the loyal States. (Cheers.) The nomination at Chicago rested on an implied, if not an express, engagement to protect domestic slavery so far as not to make it a question in any plan of pacification and restoration of the Union. (Hear, hear.) The policy of the government, on the other hand, was well understood to be a restoration of the Union as a primary object, but the settlement of the slave question as a necessary preliminary to a durable re-establishment of peace. If this be a correct statement of the issue, it can be no cause of surprise to find the insurgents straining every nerve to bring about a result favorable to their interests. It was then the fate of slavery that made the turning point in the great decision to be made by the people of the United States on this occasion. If this be so, the result is one in which we may be permitted all to rejoice in common. It has continued a government which had already done much towards emancipation in the progress of the war, and which might be depended upon to go on doing more, in proportion as matters should approach more nearly the great end of its perfect work. (Hear, hear.) I will conclude, then, with the expression of a hope that without regard to national distinction all good men may have cause to rejoice in the termination of this melancholy struggle, if that end be at once the confirmation of a free government in America, and the eradication of the most formidable evil with which its progress has been heretofore cursed. (Loud cheers.)

Three cheers were then given for Mr. Lincoln, and the deputation withdrew.

The following letter has been received from Mr. Karl Blind:

"LONDON, *December* 15.

"DEAR SIR: Though unable to take part in the presentation to which your honoring letter invites me, I am with all my sympathies on the side of the Union and emancipation cause.

"Had the secret favorers of the south carried the election, the onward course of the republican armies would have been checked by treacherous intrigue; and the result would probably have been a renewed compromise with principles which, from their very nature, ought forever to be placed out of the pale of humanity.

"The sound sense and energetic will of the American people have nipped the intrigue in the bud. All true freemen throughout Europe rejoice that free government, free popular education, free labor, have carried the day. The representatives of millions of Germans in the United States have voted in this sense. A hundred thousand Germans have fought for the same cause on the transatlantic battle-fields. Our native country at this moment rings with joy at the triumph of civilization and liberty over barbarism and aristocratic assumption. It trusts that the victory of the American republic will prove an auspicious event for the emancipation of European nations.

"Let us hope that the powerful decision of November 8 will imbue the American leaders with a resolution not to cease in their exertions until the very base of southern society be changed by free colonization, and "State rights," that last line of defence of the oligarchs, be replaced by the superior rights of humanity.

"Yours, faithfully, "KARL BLIND.

"F. W. CHESSON, Esq.,

"*Hon. Secretary to the Emancipation Society.*"

PROCEEDINGS OF THE NEWMILNS ANTI-SLAVERY SOCIETY.

According to previous arrangements a meeting of this society took place in Black Bull Hall, upon Friday, the 25th November, 1864, for the purpose of receiving two volumes of the correspondence between the American government and all other governments from October, 1862, to August, 1864, presented to them by Mr. Underwood, late American consulate in Glasgow, for the manly, humane, and sympathizing manner in which they have expressed their feelings in behalf of the down-trodden slave and for the restoration of the American Union.

The chair being occupied by the president, Mr. Matthew Pollock, who opened the meeting by stating that the meeting had two objects in view—the one for receiving Mr. Underwood's handsome testimonials, the other to express our gratitude to the true republicans of America for the triumphant manner they had again placed Abraham Lincoln upon the most honorable and the most exalted pinnacle of political glory in the world; and how mortifying must it be to the aristocracy of this country to see a man from the working-class raised to such a position; an aristocracy who has viewed the American republic with the same eye as Milton's devil viewed the garden of Eden, when he scanned this world in its infancy; causing his fallen and worthless angels to cry "Break the blockade of Heaven, and crush this newly formed republic on earth." Yes, ever since the days of Billie Pitt down to the present day,

they have all along been viewing the American republic with the same feelings as Satan did, with envy and malice, causing the Times newspaper and the worthless satellites who move around it to cry break the blockade; recognize and support a power which declares the head corner-stone of their building to be human slavery. But alas! how futile their hopes and wishes have been in not finding Abraham Lincoln an Adam to eat the apple. No, he is not an Adam, but Abraham, the father of the faithful, whose name will be handed down to posterity by the echoes of one generation after another, until the oppressors of mankind shall vanish from the face of the earth amidst the execrations of a noble and patriotic people.

Mr. JOHN BROOKS, to whom Mr. Underwood intrusted the two volumes for presentation, rose, and after delivering an able address, presented one volume to the members of the society, and the other to the president.

Mr. JOHN DONALD then rose, and in returning thanks to Mr. Underwood for his handsome testimonial, being a token of his esteem for our sympathy in behalf of the slave and the restoration of the American Union, and after a short and suitable address, moved the following resolution:

That we, the members of this society, tender our sincere thanks to Mr. Underwood, late American consulate in Glasgow, for his condescension in noticing out humble efforts in behalf of his bleeding country, struggling for the freedom of the slave; and in returning to his native home, he may enjoy the blessings of peace, the restoration of the Union, with universal liberty, is our earnest prayer.

Mr. Alexander Pollock, teacher, Stewarton, gave a very impressive address, contrasting slavery with christianity.

Mr. Daniel McArthur followed with a number of very touching and entertaining anecdotes connected with slavery.

Mr. Andrew Wallace next in a very interesting manner enumerated the different measures adopted by President Lincoln for the extinction of slavery and the preservation of the Union; when the chairman proposed the following resolution:

That this meeting being deeply impressed with the late presidential election in America, cannot allow their exultation to pass without giving vent to their feelings, by congratulating the true republicans of America for the splendid victory they have achieved for the whole human race, by re-electing Abraham Lincoln, the man from the people, and with the people, and for the people, whose honesty of purpose, uprightness in judgment, unflinching in duty, aided by the new stream of republican life that has flown into the Senate and Congress from the late elections as will enable him to bring the unjust and unholy war to an honorable, a just, and a lasting peace.

Resolved, That the foregoing be signed by the president and a copy be forwarded to the Hon. Charles Adams, American ambassador, London, and to be transmitted to Abraham Lincoln, President of America, and another to Mr. Underwood, esq., late American consulate, Glasgow.

The business of the meeting being over, a vote of thanks was given to the president for his conduct in the chair.

The meeting being composed of both sexes, they agreeably refreshed themselves, after which Mr. Thomas Cambell, jr., opened the after programme by singing "Calam O'Glen," the rest of the evening being spent with songs and sentiment from both sexes giving to all present great satisfaction.

MATTHEW POLLOCK, *President.*

NEWMILNS ANTI-SLAVERY SOCIETY, *December* 12, 1864.

To his Excellency Abraham Lincoln, President of the United States of America:

SIR: We, the workingmen of South London, in public meeting assembled, present our most respectful but hearty congratulations on your re-election to the presidential chair.

We rejoice, in the manner in which that re-election was conducted, as well as its results, proving, as it has done, that the possession of lawful political power by the masses of the people does not tend to lawlessness, even when exercised under extremely trying circumstances.

We regard the action of the decisive majority which has again placed you in power as another proof that the great nation over which you preside is pledged to connect the restoration of the Union with freedom for the negro, and with his being ultimately placed before the law on a perfect equality with the white man.

We lament the great suffering caused by this war, as we abhor the treachery by which it was commenced, and we earnestly pray that peace may be established, not by such unholy compromise as would cause a speedy renewal of the war, but a peace which, being righteous, will also be permanent.

We deprecate the unjust and unkind remarks of a portion of our press and people in reference to yourself and the great cause you represent, but these must no more be regarded as a fair representation of the opinion of Great Britian than the statements of some papers and

public men in America respecting this country are to be taken as a fair representation of the opinion of America.

In conclusion, we beg to assure you of our earnest prayer that Almighty God may long preserve your life, and give you all needful help in the important position you have been called to occupy at this important crisis, and hoping that America will soon be re-united and free, and that your nation and our own may ever be found in perfect agreement for the good of the world and the glory of God, we bid you farewell.

Signed on behalf of, and at the unanimous request of the meeting.

NEWMAN HALL, *Chairman.*

LAMBETH BATHS, *December* 8, 1864.

Mr. Seward to Mr. Adams.

No. 1192.] DEPARTMENT OF STATE,
Washington, December 17, 1864.

SIR: I have received your despatch of the 25th of November, No. 818.

The tone of the British and French press justifies your observation that every effort is made by our enemies abroad to counteract the legitimate moral effect of the presidential election. Chief among such efforts is the studied representation that our military campaign is unsuccessful and desperate. Happily a very full correction of this misstatement is already on its way across the Atlantic.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1193.] DEPARTMENT OF STATE,
Washington, December 17, 1864.

SIR: Westerly winds detained the Canada, so that her mails reached the department only on the 16th instant. You, as well as Mr. Dayton, direct my attention to the articles in which the presses of London and Paris consoled the European enemies of the United States for their reverse in the presidential election, by spasmodic predictions of the failure of our armies in the valley of Virginia, at Richmond, in Georgia, in Tennessee, and in and beyond the Mississippi. By a singular coincidence my reading of these portentous warnings was interrupted by the electric news that in a large degree the belligerent forces have withdrawn from the Shenandoah valley; that Major General Thomas, on the 16th instant, left his works and assaulted the besieging army under Hood, and in battles continuing through days, defeated and routed it, killing and wounding a yet unestimated number, and capturing fifty guns, as many flags, and certainly more than five thousand prisoners. In the same moment came the agreeable intelligence that the enemy were routed and driven from the batteries they had planted on the Cumberland, on the northern line of General Thomas's communication; that General Burbridge had got into the rear of Breckinridge and captured Abbingdon, in Virginia, and defeated the enemy at Glades Springs and at Kingsport, on the Holston river, in Tennessee. General Canby reported at the same moment the success of two expeditions—the one from Memphis, which destroyed Hood's communication with Jackson, Mississippi, and the other from Baton Rouge towards Mobile, which prevented all attempts to supply or re-enforce Hood from that place.

Simultaneously Major General Sherman reports that he has arrived at the

mouth of the Ogeechee, and taken Fort McAllister, with its garrison and armament of twenty-one guns, by storm. Thus he has firmly planted at the Ossabaw sound, below Savannah, in full co-operation with the land and naval forces; thus he has invested that city and demanded its surrender. A well-appointed fleet of sixty-five vessels, carrying six hundred guns, attended by a co-operating army under Major General Butler, departed from Hampton roads on the 13th instant, with a destination (concealed by seal upon its orders) which will probably be revealed by the telegraph before the departure of the steamer with our outgoing mail from Boston.

The pretended rebel house of representatives have passed a bill designed to force the slaves in the insurgent States to fight for the establishment of an empire having African slavery for its corner-stone. We shall see whether this desperate effort improves the condition of the insurgents. The Richmond Enquirer argues for the abolition of slavery with the zeal if not with the charity of Wilberforce. It seems now to be a question, whether the United States armies shall effect emancipation under the President's war proclamation, or Virginia shall abolish slavery to baffle the United States armies. So that it is manifest that slavery in Virginia must perish in any case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(The same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1194.] DEPARTMENT OF STATE,
Washington, December 19, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 25th of November last, No. 821. It is accompanied by a copy of the representation which under previous instructions you addressed to Earl Russell, on the special subject of the recent aggressions upon the Canadian border. The paper is accurate, elaborate, and comprehensive, and is therefore approved. I fear, however, that her Majesty's government very imperfectly apprehend the exigency to which their attention has been called. Of course it is not known here what they may have done in the premises; but it is certain that while they have been either considering it, or overlooking it, the complications of the case have greatly increased.

In my despatch of the 14th instant, No. 1190, I informed you that Coursal, the provincial judge at Montreal, had set at liberty the felons who committed the crimes of robbery and murder at St. Albans. Subsequent information confirms the fact, with the addition that the money stolen to the amount, as is understood, of ninety thousand dollars, which was in the custody of the law, was delivered to the felons by the police, under the direction of the same judge, and that thus richly furnished with the spoils of our citizens, they were conveyed amid popular acclamations, in sleighs which had been prepared for their escape, from the court-room, beyond the reach of fresh pursuit. That the discharge of the prisoners was placed upon technical ground, now confessed to be erroneous, equally in law and in fact; that when new warrants were issued, the police were dilatory and treacherous in its execution, and that all efforts for the recapture of the culprits have thus far been unsuccessful. It is believed that they have already escaped from Canada, to find even more sure protection and favor in Nova Scotia. It is impossible to consider these proceedings as either legal, just, or friendly towards the United States.

On the other hand, I am just now informed that Burleigh, the pirate of Lake Erie, who was held under a warrant of another judge at Toronto, has not yet been set at liberty. But while disappointment, disgust, and regret on account of the escape of the felons at Montreal are expressed by the Canadian authorities, and while the expression is believed to be sincere, yet we have no authentic information that any proceedings have been taken to vindicate the so-called neutrality of the British provinces, or prevent repetition of the injuries of which we complained, other than the unavailing renewed pursuit of the offenders out of one colony into another. This is the condition of affairs on the other side of the boundary. On this side there have been intense feeling and energetic action. Congress has passed a law authorizing the building and equipment of six steam revenue cutters for service on the lakes. The House of Representatives has passed and sent to the Senate a bill, which requests the President to give the notice needful for bringing to an end the reciprocity treaty. Mr. Chandler, one of the senators of Michigan in Congress, has submitted to the Senate resolutions, of which a copy is hereunto annexed. In submitting them he discussed with severity and frankness the relations of the United States and the British provinces. A copy of his remarks is also annexed.

Major General Dix, within whose command the eastern part of the frontier lies, without directions from the War Department, issued and promulgated general orders of which a copy is appended. This proceeding, although it met with general favor, was nevertheless overruled and modified by the President in one of its essential features. That modification appears in the copy of a supplementary order of General Dix, which is appended to this despatch.

An order has been made by this department, directing that except immigrant passengers, no traveller shall be allowed to enter the United States without a passport, signed and vised by an American minister or consul. A copy of this order is annexed. Thus it appears that owing to transactions, for which the United States believe themselves perfectly irresponsible, a crisis has been reached, which does not suffer American citizens, living in or near the British border, to navigate the frontier lakes and rivers in safety. Their treasure is not safe in their vaults, and their sleep is disturbed by well-founded apprehensions of midnight fire, robbery, and murderous aggressions from the British border provinces. Our appeals and our remonstrances to her Majesty's government have not gained for us any assurance of greater security in the future.

You will exercise your own discretion as to the form and extent in which you will place these facts and reflections before her Majesty's government. Nevertheless, I shall procure accurate information concerning the amount of stolen money, which was delivered by order of Judge Coursal to the felons at Montreal, and I shall expect you to inform her Majesty's government that in the opinion of this government the owners of that money at St. Albans are entitled to restitution thereof.

In all your communications with Earl Russell you will assure him that this government, while it steadily perseveres in seeking guarantees from our domestic peace and safety against the invasion of border enemies, nevertheless most earnestly desires and constantly aims to remain in peace and friendship and fraternal intercourse with the British provinces and with the British empire.

Just when I was about to submit the foregoing portion of this paper to the President for his approval, I was favored by Mr. Burnley with a copy of a despatch, which was addressed by Earl Russell to Lord Lyons on the 26th of November last. Lord Lyons having received from me, for his own information, a copy of my instruction to you, upon which your note of the 25th of November last to Earl Russell was based, Lord Lyons very properly communicated that copy to the right honorable secretary, and he with equal propriety answered your representation by the before-mentioned despatch addressed to Lord Lyons. *In Lord Lyons's* absence, Mr. Burnley has placed the despatch in my hands.

The mail cannot wait for a full consideration on my part of Earl Russell's careful and elaborate paper. I think, however, that what his lordship has written affords no reason for withholding from her Majesty's government the facts, opinions, and sentiments which I have submitted in the instruction. You will, therefore, make them known to Earl Russell, with an explanation of the fact that they were prepared, not in reply to his lordship's despatch to Lord Lyons, but in anticipation of what he might be pleased to offer.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

THIRTY-EIGHTH CONGRESS, SECOND SESSION.

IN SENATE.—*Wednesday, December* 14, 1864.

RAIDS FROM THE BRITISH PROVINCE.

Mr. CHANDLER. Mr. President, I see in this morning's paper the following announcement:

"TORONTO, *December* 13.—The St. Albans raiders have been discharged for want of jurisdiction. There is much excitement."

I desire to offer a couple of resolutions this morning bearing upon this subject, one of them particularly; but I do not expect to make the Senate understand the state of feeling that exists on the Canadian border. I have a great number of letters in my possession from gentlemen living upon that border. In my own city, which is within musket range of the Canadian shore, thousands of the citizens have been under arms for a long time, and we have been under a continuous state of alarm for fear of incendiaries, murderers, burglars, and robbers from the Canadian frontier. From the announcement that I have read it would seem to appear that the Canadian authorities have made up their minds to protect these raiders. As I understand it, a man goes from the south to Canada with a commission purporting to be issued by Mr. Davis, enlists his raiding party, crosses the frontier, murders, robs, burns, destroys, returns again to Canada, and is there protected by the authorities. The letters which I have in my possession are all bearing upon that point. The one I now hold in my hand is from one of our most respectable citizens in the city of Detroit, a gentleman of great wealth, of high political and social position, and who earnestly desires to avoid a difficulty with great Britain at this time. He says:

"The anxiety growing out of the mist and doubt encircling every rumor that reaches us is not to be endured, and upon some slight provocation, one of these days, regardless of neutral lines, our people will be found in Canada engaged in some act that the Canadian government will say is wrong, and, sooner or later, war will be the result; this we do not want."

Again he says:

"Will you give it your attention, for I think it involves, sooner or later, if not properly heeded, war with England."

As I said when I commenced, I have no expectation of making the Senate comprehend this state of excitement, this intense state of feeling which exists on that border. Vermont may, for aught I know, quietly submit to have her towns robbed and burned, and her citizens murdered, but the northwest will not. The people cannot be restrained unless the government takes prompt and immediate action upon this subject; and I desire to offer the following resolution on the subject. It may not meet the views of the Senate, but I offer it for the purpose of having the subject referred to a committee; and I have another to follow it:

Whereas raids have been organized in the Canadas and Nova Scotia, and men enlisted in said British provinces by men purporting to hold commissions from the rebels of the United States, for the purpose of robbing and murdering peaceable citizens of the United States, of burning cities and villages, of piratically capturing merchant vessels and murdering their crews, being a general system of murder, arson, robberies, and plunders of the peaceable and unarmed citizens of the United States; and whereas the people of the British provinces seem disposed to protect these thieves, robbers, incendiaries, pirates, and murderers, not only in their individual capacity, but by the quibbles of the law: Therefore,

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of immediately enlisting an army corps to watch and defend our territory bordering on the lakes and Canadian line from all hostile demonstrations.

I ask for the present consideration of the *resolution*.

Mr. JOHNSON. I object.

The PRESIDENT *pro tempore.* Objection is made, and the resolution will lie over until tomorrow.

Mr. CHANDLER. I move that the resolution be printed.

The motion was agreed to.

RECLAMATION ON GREAT BRITAIN.

Mr. CHANDLER. I had hoped that that resolution would pass unanimously this morning; but as it is objected to, of course it must lie over. I now offer the following resolution:

Whereas at the commencement of the present rebellion the United States were at peace with the governments of the world, and upon terms of comity and good will with Great Britain; and whereas that nation, before the arrival on her soil of our minister accredited by the administration of President Lincoln, precipitately acknowledged the rebels as belligerents, thus recognizing their flag upon the ocean, without which recognition it would have been regarded and treated as piratical by all other powers; and whereas she then proclaimed perfect neutrality between a republic with which she had entertained friendly relations for upward of half a century and its treasonable subjects; and whereas numbers of her subjects, with the knowledge of her government, commenced fitting out British fast-sailing ships, loaded with munitions of war, for the purpose of running into our blockaded ports to the rebels, thus furnishing them the means of organizing and continuing the rebellion, and without which it could not have sustained itself six months; and whereas, in addition to the above, and with the knowledge of the government, British subjects and members of Parliament engaged in the manufacture of piratical English ships, owned by British subjects, manned by British seamen, and sailing under British colors, for the purpose of burning, destroying, and utterly driving from the ocean all peaceful merchant vessels sailing under the United States flag; and whereas many private and unarmed American ships have been burned and destroyed by these pirates from British ports, thus causing great loss and damage to the citizens of the United States: Therefore,

Resolved, That the Secretary of State be instructed immediately to make out a list of each ship and cargo thus destroyed, with a fair and separate valuation thereof, and interest thereon at the rate of six per cent. per annum from the date of capture or destruction to the date of presentation, and that he be directed to demand from the British government payment in full for all ships and cargoes destroyed as aforesaid.

I ask for the present consideration of the resolution, and move that it be referred to the Committee on Commerce.

The PRESIDENT *pro tempore.* It requires unanimous consent to consider the resolution at the present time. Is there objection?

Mr. JOHNSON. I object.

The PRESIDENT *pro tempore.* Objection being made, it will lie over.

Mr. CHANDLER. I move that the resolution be printed.

The motion was agreed to.

[General Orders No. 97.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York city, December 14, 1864.

Information having been received at these headquarters that the rebel marauders who were guilty of murder and robbery at St. Albans have been discharged from arrest, and that other enterprises of a like character are actually in preparation in Canada, the commanding general deems it due to the people of the frontier towns to adopt the most prompt and efficient measures for the security of their lives and property.

All military commanders on the frontiers are therefore instructed, in case further acts of depredation and murder are attempted, whether by marauders or persons acting under commissions from the rebel authorities at Richmond, to shoot down the perpetrators, if possible, while in the commission of their crimes; or, if it be necessary, with a view to their capture, to cross the boundary between the United States and Canada, said commanders are hereby directed to pursue them wherever they may take refuge, and if captured they are under no circumstances to be surrendered, but are to be sent to these headquarters for trial and punishment by martial law.

The major general commanding the department will not hesitate to exercise to the fullest extent the authority he possesses, under the rules of law recognized by all civilized states, in regard to persons organizing hostile expeditions within neutral territory and fleeing to it for an asylum after committing acts of depredation within our own, such an exercise of authority having become indispensable to protect our cities and towns from incendiarism and our people from robbery and murder.

It is earnestly hoped that the inhabitants of our frontier districts will abstain from all acts of retaliation on account of the outrages committed by rebel marauders, and that the proper measures of redress will be left to the action of the public authorities.

By command of Major General Dix:

D. T. VAN BUREN,
Colonel and Assistant Adjutant General.

Official:

WRIGHT RIVES,
Aide-de-Camp.

[General Orders No. 100.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, December 17, 1864.

The President of the United States having disapproved of that portion of department General Orders No. 97, current series, which instructs all military commanders on the frontier, in certain cases therein specified, to cross the boundary line between the United States and Canada, and directs pursuit into neutral territory, the said instruction is hereby revoked.

In case, therefore, of any future marauding expedition into our territory from Canada, military commanders on the frontiers will report to these headquarters for orders before crossing the boundary line in pursuit of the guilty parties.

By command of Major General Dix:

D. T. VAN BUREN,
Colonel and Assistant Adjutant General.

Official:

G. VON EICKSTEDT,
Aide-de-Camp.

GENERAL INSTRUCTIONS IN REGARD TO PASSPORTS.

DEPARTMENT OF STATE,
Washington, July 1, 1864.

Citizens of the United States visiting foreign countries are liable to serious inconvenience if unprovided with authentic proof of their national character. Their best safeguard is a passport from this department, certifying the bearer to be a citizen of the United States. Passports are issued upon application, supported by proof of citizenship.

On all subsequent occasions a simple reference to the number and date of passport will be sufficient.

When the applicant is a *native citizen of the United States*, he must transmit an affidavit of this fact, signed by him, stating his age and place of birth, and sworn to by himself and one other citizen of the United States named therein, to whom he is personally known, and to the best of whose knowledge and belief the declaration made by him is true. This affidavit must be attested by a notary public, under his signature and seal of office. When there is no notary in the place, the affidavit may be made before a justice of the peace, or other officer authorized to administer oaths.

If the applicant be a *naturalized* citizen, his certificate of naturalization must be transmitted for inspection. It will be returned with the passport. The widow or the children of a naturalized citizen must transmit the certificate of the naturalization of the husband or the father, stating under oath that they are such widow or children.

The application should be accompanied by a description of the person, stating the following particulars, viz; Age, years; stature, feet inches, (English measure;) forehead, ; eyes, ; nose, ; mouth, ; chin, ; hair, ; complexion, ; face, .

When the applicant is to be accompanied by his wife, children, or servants, it will be sufficient to state the names and ages of such persons, and their relationship to the applicant.

Persons who leave the country expecting to obtain passports whilst abroad from the diplomatic or consular agents of the United States are liable to disappointment, inasmuch as it is the duty of those agents not to grant documents of that character, except to persons who are certainly known to be entitled to them; and it is sometimes difficult, if not impracticable, to procure proof of this fact in a foreign country.

Certificates of citizenship or passports issued by State authorities, or by judicial or municipal functionaries of the United States, are not recognized by the officers of foreign governments; and by the twenty-third section of the act of Congress approved on the 18th of August, 1856, it is made penal for such authorities and functionaries to issue such passports.

When husband, wife, and minor children expect to travel together, a single passport for the whole will suffice. For any other person in the party a separate passport will be required.

A new passport will be expected to be taken out by every person whenever he or she may

leave the United States, and every passport must be renewed, either at this department or at a legation or consulate abroad, within one year from its date.

Five dollars tax, as imposed by law, will be required in United States currency with each application.

DEPARTMENT OF STATE,
Washington, December 17, 1864.

The President directs that, except immigrant passengers directly entering an American port by sea, henceforth no traveller shall be allowed to enter the United States from a foreign country without a passport. If a citizen, the passport must be from this department, or from some United States minister or consul abroad; and if an alien, from the competent authority of his own country; the passport to be countersigned by a diplomatic agent or consul of the United States.

This regulation is intended to apply especially to persons proposing to come to the United States from the neighboring British provinces. Its observance will be strictly enforced by all officers, civil, military, and naval, in the service of the United States, and the State and municipal authorities are requested to aid in its execution. It is expected, however, that no immigrant passenger, coming in manner aforesaid, will be obstructed, or any other persons who may set out on their way hither before intelligence of this regulation could reasonably be expected to reach the country from which they may have started.

WILLIAM H. SEWARD.

I. Passports for Canada and the adjoining British provinces are issued for one year, and need not be surrendered within that period.

II. Citizens of the United States, desirous of visiting Canada, may take out their passports either from United States consulates, or from this department.

III. United States consular agents are authorized to issue passports, and may countersign those of foreigners.

IV. Travellers making transit through Canada, from one American port to another American port, must procure passports.

V. Persons residing near the line, who desire to cross and recross daily, in pursuit of their usual avocations, are "travellers" in the contemplation of the order, and must provide themselves with passports.

VI. Females and minor children, travelling alone, are included in the order. When, however, husband, wife, and minor children travel together, a single passport for the whole will suffice. For any other person in the party a separate passport will be required.

VII. Should any person, native or foreign, clandestinely enter the United States in derogation of the order, the fact should be reported to the military authorities of the district.

[Circular No. 55.]

DEPARTMENT OF STATE,
Washington, January 14, 1865.

To the consular officers of the United States in conterminous British provinces:

Consular officers in territories conterminous with the United States on their northern and northeastern frontiers are hereby authorized to receive United States currency in payment for passports, so long as the order of December 17, 1864, shall remain in force, bearing in mind that the law requires five dollars as a fee for issuing a passport, which amount is payable into the United States treasury, and in foreign countries a consular fee of one dollar in addition. The existing regulation, by which consular agents were forbidden to give passports, is hereby rescinded for the period above mentioned. If any person shall have been charged more than the legal fees, as they are herein mentioned, the excess will be refunded to him by the consul to whom the sum has been paid, such repayment to be reported to this department. A uniform rate of charge is expected and enjoined. Passports to enter the British provinces and return thence will be promptly issued by this department, on application, in accordance with the passport regulations.

WILLIAM H. SEWARD.

Mr. Seward to Mr. Adams.

No. 1196.] DEPARTMENT OF STATE,
Washington, December 21, 1864,

SIR: In your despatch, No. 819, you gave an account of the trial and conviction of Jones and Hyatt for violations of the anti-enlistment law. It is to be

feared that the lenity of the sentence upon the offenders proceeds upon the ground that the offence was venial. I send you herewith some intercepted correspondence found on board of the Alabama, which, if rightly viewed, ought to lead to a conviction of those persons and others of systematic, habitual, and daring contempt of the British laws. It is thought expedient to have prosecutions instituted against these persons. It can do us no harm to know the exact amount of protection we can derive from British laws administered by British courts.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Barney to Captain Morris.

GRAND HOTEL, *Paris, February* 5, 1864.

MY DEAR MORRIS: I have intended writing to you for several days, but postponed it until I could hear something definite from Nantes. I received your letter this morning, and was sorry to hear that you had been sick. I hope you will soon get to sea, and the change will be beneficial to you.

Reissetson is here, and reports all ready for you. You are to telegraph when ready, as agreed upon. I told him you would not be ready before next Tuesday, I thought. I am sorry to hear of the ill success of the Blower. Bullock says the Florida's engines were only intended to work up to sixty-five revolutions, and any increase above that mark must be very racking, and should only be resorted to on an emergency. Her maximum speed under steam alone was estimated ten knots. I represented to Bullock that your money chest would be pretty low, and he kindly consented to pay for the carriages. You will approve V.'s bills, and B. will pay them, and so give you a little more money to cruise on.

I am very sorry to hear of the bad behavior of Hawthorne. He promised very fair when I released him. I hope when you get to sea your men will settle down, and by firm and judicious treatment become a good crew. I wrote you about the engineer's allotments. I find the men are also allowed to leave them. But I suppose there are none of your new men who have been familiar in England. I scarcely think it worth while to give them the chance of swindling the government.

There was one man of the old crew who wanted to send money to his mother in Ireland. I forget his name. Averett will know whom I mean. You might let him know quietly that he could leave an allotment. Jones & Co., of Liverpool, act as attorneys for the men of the other ships, and pay the money to their friends in any part of Great Britain, and will do the same service for the Florida. The ticket must be made payable to J. & Co., or any one else in Liverpool, and the person to whom it is to be sent, and his or her place of residence given The amount is sent at the expense of the government. Captain Blakely requests Captain M. F. Maury to caution our officers against overloading his guns, and he adds: "In the Florida we constantly fire twenty pounds of powder from my 6-inch gun, only of cast-iron, banded with steel." I thought the pivot guns were seven inches, and know he is mistaken about the twenty-pound charges. Ask Averett to give me the true state of the case. What is the diameter of bore of the pivots?

Remember me kindly to the doctor. I received his note and remittance, and the money and likenesses by Mr. Hough. I don't think that of you, sent to-day, very good. I gave Seme one; he is well and his family. Young Trenholm has improved very much since I first came up, but still looks delicate. Kind regards to Averett and all hands. My health is improving, but I still suffer much at times. I am at a loss what to do with myself. There is nothing new here. I am glad the things I sent were satisfactory. If I can do anything else for you command me. I hope to hear from you before you leave.

Wishing you every success, I am, very truly, yours,

J. N. BARNEY.

Captain Bullock to Captain Morris.

LIVERPOOL, *January* 14, 1864.

DEAR MORRIS: I received your letter of the 8th instant, day before yesterday, and I have only delayed replying to it that I might look about a little to see how you could best be helped out of your difficulty. As all the matter of shipping men for the vessels in France, that is for your ship and the Rappahannock, had been intrusted to Mr. Bold, I desired first to see what arrangements he had made and whether they could be extended.

Before I could do it a rumor got abroad that the members of the firm of Jones & Co., who you know are partners of Mr. Bold, were about to be taken up for violation of the foreign

enlistment act, and yesterday the newspapers stated the fact openly. It appears that Jones & Co. are summoned to appear before the magistrates on Friday, (to-morrow,) charged with enlisting men for the Confederate States naval service; and although mention is only made of the Georgia, yet it is said that important revelations concerning the conduct of Confederate State officers here will be made. This result has not surprised me, for the indiscreet manner in which men have been engaged and sent about has been freely commented upon, and in anticipation of trouble, I have kept entirely clear of the parties engaged in these movements. This action of the authorities absolutely closes England to you as a recruiting ground, unless you in person make an arrangement with some one in France to deliver you men at so much a head. That is the manner in which I managed in the crew of the Alabama, and thus did not come in contact with any of the men until they were actually on board ship, and were beyond the jurisdiction of England. For any Confederate States officer to attempt engaging men here now would insure his getting into trouble, besides ending in failure; because I am sure that agents of the Yankee consul would offer their services with the express intent of lodging information.

Hamilton has written you about Read, who would be an excellent man for the work if he can be spared. Suppose you ask your agent in Brest if there is not some shipping-master there who would engage to furnish a certain number of men, you paying all expenses of transportation and a specified sum for each man delivered on board.

I have written Commodore B., suggesting that the Georgia's men be transferred to your ship. I am told she has some excellent men who are willing to remain in the service. I regret exceedingly that you should have such embarrassment in the very outset, especially as neither foresight nor discretion on your part could have prevented it, and because, moreover, I can render you no direct aid. I will, however, endeavor to send you a man who I think can be trusted on some assumed business, and you can make him a direct offer to pick you up some men.

It is probable that I shall go to Paris on Tuesday next. Write me to the care of Mr. Senac. In the mean time, if the man alluded to above will go, I will let you know in advance. If arrangements have been made, Tesier, I am sure he will carry them out faithfully and judiciously.

I am very truly yours,

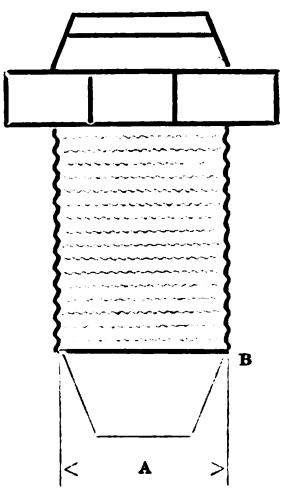
JAMES D. BULLOCK.

A. Norur & Company to Captain Morris.

NANTES, *January* 15, 1864.

I will do all my efforts for making the greatest possible number of the fuzes you are wanting to five hundred. These pieces I am sure shall satisfy you.

Please to give me all information that is of an absolute necessity. Does the touch-hole of your shells narrow or increase, or does it remain equal to the diameter A of the fuze from the point B, (inferior part of the fuze's thread when screwed in the shell?) That is of importance to me, for I want to know if a fuze that should be 2¼ times longer, and should have



the same diameter on the whole length, could be introduced in your own shells. The two sockets for the pivot-bolts shall also be ready in time. In a few days I shall state the

amount of my bill. I have not very well understood what captain is saying, when he asks "could you get hide-rope for wheel-ropes?" I am writing for further information; thereupon, believe me, captain, with kind regards, very sincerely yours,

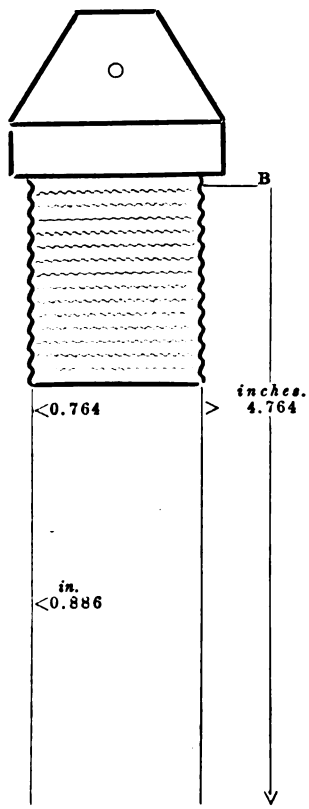
A. NORUR & CO.

CAPTAIN MORRIS, *C. S. N., Brest.*

NANTES, *January* 18, 1865.

MY DEAR SIR: In accordance with your request I herewith send you the approximate cost of the different objects I will deliver to you at the time and place agreed upon, with a detailed invoice of the same. The approximate amount is 12,500 francs. The expenses of the steamer that shall carry these objects will be over and above, and will be paid by Captain James B., for it is impossible to foresee them actually. I cannot give you the exact amount, owing to the fact that several items are still in hand in fulfilment of your last orders. The lengthening by two feet two inches and three quarters (2 ft. 2¾ inches) of the objects mentioned in your letter of the 12th instant, will in nowise delay their delivery at the time mentioned.

I have received yours of the 16th instant. Nevertheless I enclose, for better explanations,



(The thread of the screw is precisely similar to that of the fuze I received from you.)

the sketch of the fuzes I am making for you. I have just heard that it is of physical impossibility to get the hide-rope before twenty days. I did not hesitate, however, to order it, in case some cause or other should delay your departure.

I remain, captain, very respectfully, yours,

A. NORUR.

CAPTAIN MORRIS, *C. S. N., Brest.*

Mr. Senac to Mr. Taylor.

PARIS, *September* 18, 1863.

DEAR SIR: On the opposite side of this sheet you have a memorandum of money advanced to the men belonging to the Florida, who were attached to the Lapwing.

As I have no means of getting the proper vouchers for this money, please forward me a certificate that the amounts have been checked against their respective accounts. It will be easy for you to procure vouchers from them, for that portion of the money paid for their board and traveling expenses, when it would be impossible for me to do it.

Very truly, yours,

F. SENAC.

[Account with seamen of the Florida.]

Sum of money paid crew of Lapwing.

John Ross	Per pay	$84 00	
	Per board	21 75	
	Per travelling expenses	25 00	
			$130 75
James Hawthorn	Per pay	54 00	
	Per board	21 75	
	Per travelling expenses	25 00	
			100 75
Thomas F. Brown	Per pay	54 00	
	Per board	21 75	
	Per travelling expenses	25 00	
			100 75
William Wilson	Per pay	54 00	
	Per board	21 75	
	Per travelling expenses	25 00	
			100 75
James McDonald	Per pay	54 00	
	Per board	21 75	
	Per travelling expenses	25 00	
			100 75
J. W. McDonald	Per pay	54 00	
	Per board	10 00	
	Per travelling expenses	25 00	
			89 50
			623 25

The above men were furnished by my agents, Jones & Co., of Liverpool, who held the receipts of the men for the above amounts.

F. SENAC.

Whole amount paid, $73 21 and $19 40.

To Huolle, due by department for transportation, $19 40.

LIVERPOOL, *September* 10, 1865.

We, the undersigned, have each received from Messrs. Jones & Co. the sums against which our names are respectively placed. Any surplus of the five pounds for travelling expenses to Brest to be placed against our wages account.

Wages—each three months—and boarding expenses, to Brest.

[Exchange at four shilings.]

10 16 0	3 months,	$23	per m.,	47—6 wk. & 1.5 day			John Ross.
10 16 0	"	22	"	47		5	Jas. Hawthorne.
10 16 0	"	22	"	47		5	Thos. F. Brown.
10 16 0	"	22	"	47		5	William Wilson.
10 16 0	"	22	"	47		5	Jas. his + mark. McDonald.
10 16 0	"	22	"	47—3	"	5	J. W. McDonald.

From September 11 to September 14		6¼
		2 s.
L. to L. 16 9—188 meals		3
9 0—4,008 railroad and steam		1
2—118 baggage		4

Fraser, Trenholm & Co. to Mr. Barney.

LIVERPOOL, *September* 22, 1863.

DEAR SIR: We beg to acknowledge the receipt of your favor of the 18th instant, the contents of which we have noted, and will have our best attention.

We are informed by Messrs. Fawcett, Preston & Co., the builders of the engines of the Florida, that the spare machinery to which you refer was sent to Havre some time ago, and is now lying there subject to an order for delivery, which they have given to Captain Bullock. We are also informed by the same parties that they sent a blower, but they believe it is not the sort required, and they are now endeavoring to procure a more suitable one.

As regards the engineers, we must await Captain Bullock's return to know who the men are. We have requested Messrs. Fawcett, Preston & Co. to engage two or three good, steady firemen; and as soon as Captain Bullock arrives, (on the 24th,) we will endeavor to have engineers, firemen, and machinery sent to you, and by the route you suggest.

We are, dear sir, yours, faithfully,

FRASER, TRENHOLM & CO.
I. R. ARMSTRONG.

Mr. Seward to Mr. Adams.

No. 1197.] DEPARTMENT OF STATE,
Washington, December 21, 1864.

SIR: I have received your despatch of November 25, No. 819, in which the detention of the Great Western is the principal topic. I have also received the reports of Mr. Dudley, our consul at Liverpool, concerning this case.

I think it will be sufficient for the present to make a statement of the case, founded upon Mr. Dudley's reports, and ask an explanation.

We have yet to hear from the owners of the vessel.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Seward.

[Extracts.]

No. 836.] LEGATION OF THE UNITED STATES,
London, December 22, 1864.

SIR: I have to acknowledge the reception, from the department, of despatches numbered from 1165 to 1182, inclusive. * * * *

In accordance with the instructions contained in No. 1165, of the 30th November, I have sent to Lord Russell copies of the papers enclosed, and have addressed to him a note containing a protest against the proceedings at Bermuda, as desired by you. A copy of my note is transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 21, 1864.

MY LORD: I have the honor to submit to your consideration copies of a correspondence which has taken place between Mr. Allen, consul of the United States at Bermuda, and the authorities at that island, relative to the case of the steamer Roanoke.

I am instructed by my government to enter a protest against the proceedings therein described, so far as they relate to the enlistment of men, and the discharge of the parties concerned in the outrage. I am directed to specify most particularly the man Braine, already well known to the British authorities as having been engaged in a similar affair against the steamer Chesapeake in another portion of her Majesty's dominions, from the proper consequences of which he was suffered to escape. It would appear from the evidence that in the last case, and in the former one, he had accomplices among the inhabitants of the place.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

[Enclosures]

1. Mr. Allen to Mr. Seward, October 28, 1864.
2. Mr. Allen to Governor Hamley, October 6, 1864.
3. Deposition of Mr. Devine, October 6, 1864.
4. Governor Hamley to Mr. Allen, October 6, 1864.
5. Mr. Allen to Governor Hamley, October 7, 1864.
6. Mr. Allen to Governor Hamley, October 8, 1864.
7. Protest of officers of the Roanoke, October 8, 1864.
8. Mr. Allen to Mr. Hyland, October 10, 1864.
9. Deposition of Mr. Allen, October 10, 1864.
10. Mr. Allen to Governor Hamley, October 12, 1864.
11. Governor Hamley to Mr. Allen, October 16, 1864.

[The above enclosures are printed in part second of diplomatic correspondence for 1864, pages 361, &c.]

Mr. Adams to Mr. Seward.

No. 838.] LEGATION OF THE UNITED STATES,
London, December 22, 1864.

SIR: In conformity with the instructions contained in your No. 1172, of the 3d instant, I immediately forwarded to Commodore Craven the packet which came addressed to him. At the same time I wrote to Mr. Dudley, the consul at Liverpool, requesting him to be on the watch, and to give me all the information he can procure respecting the movements of Mr. Leon Smith. Thus far, he writes me, he has not found anything. I am inclined to believe it one of many projects entertained and afterwards abandoned for want of means.

Should any evidence of a decided character turn up, I shall not fail promptly to use it in the way indicated.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 839.] LEGATION OF THE UNITED STATES,
London, December 22, 1864.

SIR: In obedience to your instructions in despatch No. 1173, of the 3d instant, I have addressed a note to Lord Wharncliffe, a copy of which is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Lord Wharncliffe.

LEGATION OF THE UNITED STATES,
London, December 20, 1864.

MY LORD: I have the honor to inform you that I have submitted to the consideration of my government a copy of your lordship's note to me of the 12th of November, and of my reply of the 18th of that month, and I have now to apprise you of the conclusion which has been reached.

I am instructed to say that permission for an agent of the committee described by your lordship, to visit the insurgents detained in the military prisons of the United States, and to distribute among them seventeen thousand pounds of British gold, cannot be granted.

I am sorry to be further constrained to signify to your lordship that with this note my correspondence on this subject must be brought to a close.

I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Lord WHARNCLIFFE, *Wortley Hall, Sheffield.*

Mr. Adams to Mr. Seward.

No. 840.] LEGATION OF THE UNITED STATES,
London, December 22, 1864.

SIR: In connexion with your despatch, No. 1164, of the 29th of November, I have the honor now to transmit copies of a letter addressed by me to Earl Russell on the 12th, and of his lordship's reply of the 16th instant, relative to General Dix's report of the hostile movements in Canada.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 12, 1864.

MY LORD: I have the honor to submit to your consideration a copy of a letter addressed to the Secretary of War, at Washington, by the officer holding the chief command in the military department embracing the northern frontier of the United States. I have already been called upon to enter so fully into the argument connected with this subject, that I deem it superfluous on the present occasion to do more than to furnish this paper as an additional illustration.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Hon. EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 16, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, enclosing a copy of a letter addressed to the Secretary of War of the United States, by the officer holding the chief command in the military department embracing the northern frontier of the United States, respecting the organization of a party of persons in Canada, apparently with a view of hostile operations against the territory of the United States.

I have to state to you, in reply, that the attention of her Majesty's government is very seriously directed to the means of preventing such inroads on the territory of the United States as that which is commonly known by the name of the St. Albans raid.

If it should appear that the persons concerned in such inroads are for any reason not subject to extradition, they and others must in some way be effectually prevented from committing similar offences against a neighboring state.

But I need scarcely point out to you that any invasion of the Canada territory from the United States would excite hostile feelings in Canada against the people of the United States, and might prove extremely injurious to the pacific relations between the two countries..

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 841.] LEGATION OF THE UNITED STATES,
London, December 22, 1864.

SIR: The Sea King has at last turned up as the Shenandoah. I transmit herewith a copy of a letter received this morning from Mr. Adamson, consul at Pernambuco, from which it would appear that the steamer has reached Bahia, after having committed some depredations. I likewise send the copy of the Pernambuco journal, referred to in the consul's letter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adamson to Mr. Adams.

CONSULATE OF THE UNITED STATES OF AMERICA,
Pernambuco, November 30, 1864.

SIR: I have this moment learned of the appearance in these waters of a new British pirate, and believing that your excellency will feel an interest in the history of her proceedings, I send by this mail a marked copy of the Diario de Pernambuco containing an extract from the Journal de Bahia, which was received here last night, which gives all the information that I have been able to gather up to this time.

I have the honor to be, sir, your most obedient, humble servant,

THOMAS ADAMSON, JR.,
United States Consul.

His Excellency CHARLES FRANCIS ADAMS,
Envoy Ex., &c., &c., U. S. of A., London, England.

[From the Diario de Pernambuco, November 30, 1864.]

The North American brigantine Kate Prince, which arrived yesterday (23d) from Cardiff, with a cargo of coal, landed fourteen persons, two ladies and a servant girl among them, who were put on board of her by the confederate steamer Shenandoah. They belonged to the captured vessels Charter Oak, from Boston to San Francisco, and Susan, from Cardiff for Rio Grande.

We obtained the following particulars from the captain of the Kate Prince:

"The brig Kate Prince, of Portsmouth, New Hampshire, 995 tons, Captain Libbey, left Cardiff the 30th of September. On the 6th October, latitude 33 N., longitude 21 W., she fell in with the Dutch bark Zee Nimph, nine days from Amsterdam for Batavia; on the 28th, latitude 14 N., longitude 27 W., fell in with the Dutch bark Maria, twenty-one days from Amsterdam for Japan; on the 12th November, at midnight, latitude 2.30 N., longitude 28.30 W., met a large steamer under sail, one hundred yards to windward, which fired a gun and hoisted the confederate flag. She asked the name of our vessel, and as soon as we had answered, ordered us to lay to, and then sent a boat of armed men to board us. They informed us we were a prize of the confederate steam privateer Shenandoah, and ordered our captain and mate to come on board the steamer with the papers of the Kate Prince, leaving a prize officer on board the brigantine.

"The confederate commander finding a document certifying the vessel's neutrality, made the captain give bonds in $40,000, and then let the Kate Prince go, first sending on board Captain Gillman and lady; Mrs. S. Gage and son of four years; First Mate, L. Burgess; Second Mate, C. Bearse; Steward, F. Kozias; J. M. Sampson, J. Munroe and J. Ennis; all belonging to the schooner Charter Oak, of San Francisco, captured and destroyed the 5th of November, in latitude 7 N., longitude 27.3 W.; and also Captain F. W. Hansen; H. Payne, first mate; C. Henshell, second mate; and S. W. Dunn, steward; all belonging to the brig Susan, of New York, captured and destroyed the 10th November, in latitude 4.30 N., longitude 26.40 W.; in all fourteen persons.

"The Shenandoah is a vessel of 1,100 tons and 250 horse-power, with four 8-inch smoothbore guns, two 32-pound rifles and two 12-pounders, also smooth. She was the *Sea King*, belonging to the London, Bombay and Calcutta Steam Navigation Company; built by Stevens and Sons, Glasgow, in 1863; steams 11 miles an hour; carries 43 men and two officers, most of them English; cleared from London for Bombay in September, 1863.

"She also captured the bark Helena, Captain Staples, of Maine, and the bark Godfrey, the crews of which were put on board a Danish brig bound for Rio Janeiro.

"Captain Wardell and the other officers of the Shenandoah treated us with all possible civility, under the circumstances."

Mr. Adams to Mr. Seward.

No. 842.] LEGATION OF THE UNITED STATES,
London, December 23, 1864.

SIR: I have the honor to transmit an address from the people of Dewsbury, in Yorkshire, to the President of the United States.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The people of Dewsbury, in Yorkshire, to Abraham Lincoln, President of the United States of America:

We, the inhabitants of Dewsbury, in public meeting assembled, hereby congratulate the people of America, who, in again electing you to fill the office of President, manifest not only a just appreciation of your services, but, by their approval of your acts, are willing to share the responsibility which attaches to your important office.

At the very outset of your presidential career you were sworn to protect and defend the Union, to uphold the constitution of your country, and to administer its laws with impartiality. Immediately after the election of 1860, nay, while it was pending, the slave States manifested much uneasiness at the triumph which the friends of liberty were likely to achieve: and fearing that the principles of freedom were so well understood, and that the abolition of slavery was only a work of time, determined at all hazards to rebel against the government, which they had resisted to establish, and found one on a purely despotic basis, having for its primary object the consolidation of slave laws, and the permanent establishment of slavery throughout a great portion of your continent.

Happily for America and for the world, these attempts have hitherto been frustrated. Choosing you as their chief magistrate, as the exponent of their views, the people have sacrificed their wealth and their lives on the altars of their country, and with a fortitude unexampled, with courage unshaken, they are solving the problem whether liberty or despotism shall triumph, and whether the tide of civilization shall be stayed, or roll on to bless the human race.

May your efforts to put down this rebellion be successful; may you live to establish the rights and assert the dignity of man; and may generations hereafter who enjoy the blessings of this struggle refer to this period, exclaiming, "Then lived the Saviour of my country, to whom I dedicate a grateful heart."

Signed on behalf of the meeting the 20th day of December, 1864.

JOHN BATES, *Chairman.*

The following resolutions were passed by the meeting:

"That we hail with joy the re-election of Abraham Lincoln as President of the United States of America, believing that the policy he has hitherto pursued in the present crisis will tend to the abolition of slavery, and to the advancement of civilization throughout the world.

"That no country can be free that has slavery for one of its institutions, nor can it be powerful or great; therefore every well-wisher of his country or kind, every person, in short, who helps on the progress of his race, must be an abolitionist.

"That this meeting expresses its sympathy with the government and people of the United States of America in their present hour of trial and conflict, and heartily wishes that their exertions and sacrifices to put down an unholy rebellion may be speedily crowned with success.

"That the resolutions adopted at this meeting be sent to Mr. Adams, United States minister in London, accompanied with an address to be forwarded by him to President Lincoln.

"JOHN BATES, *Chairman.*"

Mr. Adams to Mr. Seward.

No. 844.] LEGATION OF THE UNITED STATES,
London, December 23, 1864.

SIR: I now have the honor to transmit the address of the Central Council of the International Workingmen's Association, together with a copy of a note of the secretary of that association to me, which best explains its character.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Cremer to Mr. Adams.

INTERNATIONAL WORKINGMEN'S ASSOCIATON,
18 *Greek street, Soho W., December* 23, 1864.

SIR: I am instructed by the central council of the above respectfully to ask that you will forward the accompanying address to the President of the United States of America, the sentiments therein expressed being the spontaneously expressed views of the central council, which council but represents the sentiments of the workingmen of Europe—the council being constituted by representatives from France, Italy, Germany, Poland, Switzerland and England. With best thanks for the prompt and courteous replies you have forwarded to my every communication,

I remain your excellency's, very respectfully,

W. R. CREMER,
Honorary General Secretary.

Hon. C. F. ADAMS,
United States Minister.

[Enclosure.]

SIR: We congratulate the American people upon your re-election by a large majority. If resistance to the slave power was the reserved watchword of your first election, the triumphant war-cry of your re-election is death to slavery.

From the commencement of the titanic American strife the workingmen of Europe felt instinctively that the star-spangled banner carried the destinies of their class. The contest for the territories which opened the *dire epopee*, was it not to decide whether the virgin soil of immense tracts should be wedded to the labor of the emigrant, or prostituted by the tramp of the slave-driver?

When an oligarchy of 300,000 slaveholders dared to inscribe, for the first time in the annals of the world, slavery on the banner of armed revolt; when on the very spots where hardly a century ago the idea of one great democratic republic had first sprung up, whence the first declaration of the rights of man was issued, and the first impulse given to the European revolution of the 18th century; when on those very spots counter revolution with systematic thoroughness gloried in rescinding "the ideas entertained at the time of the formation of the old Constitution" and maintained "slavery to be a beneficent institution, indeed the only solution of the great problem of the relation of labor to capital," and cynically proclaimed property in man "the corner-stone of the new edifice," then the working classes of Europe understood at once, even before the fanatic partisanship of the upper classes for the confederate gentry had given its dismal warning, that the slaveholders' rebellion was to sound the toscin for a general holy crusade of property against labor, and that for the men of labor, with their hopes for the future, even their past conquests, were at stake in that tremendous conflict on the other side of the Atlantic. Everywhere they bore, therefore, patiently the hardships imposed upon them by the cotton crisis, opposed enthusiastically the proslavery intervention importunities of their "betters," and from most parts of Europe contributed their quota of blood to the good cause.

While the workingmen, the true political power of the north, allowed slavery to defile their own republic; while before the negro, mastered and sold without his concurrence, they boasted it the highest prerogative of the white-skinned laborer to sell himself and choose his own master, they were unable to attain the true freedom of labor, or to support their European brethren in their struggle for emancipation; but this barrier to progress has been swept off by the red sea of civil war.

The workingmen of Europe feel sure that as the American war of independence initiated a new era of ascendency for the middle class, so the American anti-slavery war will do for the working classes. They consider it an earnest of the epoch to come, that it fell to the lot of Abraham Lincoln, the simple minded son of the working class, to lead his country through the matchless struggle for the rescue of an enchained race, and the reconstruction of a social world.

Signed on behalf of the International Workingmen's Association.

THE CENTRAL COUNCIL.

Le Luber, (French,) corresponding secretary.
F. Rybezinsky, (Pole.)
Emile Halbork, (Pole.)
B. Bocquet.
H. Jung, corresponding secretary for Switzerland.
Morisot.
George William Wheeler.
Henry Bolleter.
Ludurg Otto.
N. P. Hansen, (Dane.)
Carl Flaender.
George Lochner.
Peter Petersen.
Carl Marx, corresponding secretary for Germany.
A. Dick.
G. Howell.
J. Osborne.
J. D. Stainsby.
J. Grosmith.
J. Whitlock.
J. Carter.
Francis Morgan.
William Dell.
John Aleston.

J. Denoval.
P. Bordage.
Le Ronk.
Tallandier.
Jourdain.
Dupont.
R. Gray.
G. Eocarius.
Frederick Lessner.
V. Wolff.
K. Kaub.
J. Wolf.
D. Lawra.
C. Setacci.
F. Solustus.
J. Aldevrand.
D. G. Bagnagatti.
M. M. Weeler.
G. R. Toutana, corresponding secretary for Italy.
T. Lake.
S. Buckley.
Peter Fox.
Robert Shaw.
John H. Longwaist.
Robert Henry Side.
William C. Worley.
William Blockmoor.
R. Hartwell.
W. Pidgeon.
B. Leuraft.
J. Nicass.

GEORGE ADGER,
President of Council.
WILLIAM R. CREMER,
Honorary General Secretary.

ABRAHAM LINCOLN,
President of the United States of America.

Mr. Seward to Mr. Adams.

No. 1199.] DEPARTMENT OF STATE,
Washington, December 21, 1864.

SIR: I enclose for your information a copy of a despatch of the 12th ultimo, No. 208, from Charles A. Leas, esq., the United States commercial agent at Belize, in regard to a recent proclamation of Prince Maximilian affecting the British settlement in the Honduras, and relating also to other features of political affairs in that quarter and the West Indies.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to Mr. Bigelow.)

Mr. Leas to Mr. Seward.

No. 208.] UNITED STATES COMMERCIAL AGENCY,
Belize, November 12, 1864.

SIR: Great excitement is prevailing in the commercial and official circles of Belize, in consequence of the appearance in the Merida newspaper of an official proclamation, under the orders and by the authority of the Emperor of Mexico, to the effect that the Peninsula of Yucatan is, on and after the first of October last, to be governed or presided over by three prefects, and to be divided into three arrondissements, one of which is to be designated as the arrondissement of "Merida," the boundaries of which are to be as follows: Commencing at the mouth of the "Rio St. Pedro, y St. Pablo," on the Gulf of Mexico, and running up the centre of that stream to the "Usumasinti;" up the latter to a point where the Guatemala district of "Peten" is encountered; from thence along the line that divides "Peten" from Guatemala, to the headwaters of the "river Sarstoon;" down the middle of the Sarstoon to the gulf or bay of Honduras, and from thence along the coast to the place of beginning, comprehending in this latter all the keys and islands contiguous to the main land. The same proclamation provides, further, that "there are a few Englishmen located at the mouth of the "river Belize, or Wallis, who have had permission under the treaties with Spain to cut wood, and that they are not to be molested," meaning that they are not to be disturbed in their wood-cutting operations.

Thus it will be seen that Maximilian has, by this proclamation, swept into his possessions not only the district of country known as Peten, and which has always been claimed as being within the legitimate jurisdiction of Guatemala, but the whole of British Honduras, with all the keys and islands, thus ignoring entirely the idea of British sovereignty. These people are feeling themselves greatly insulted at being designated as a few English wood-cutters, and are mustering up a large amount of bitterness of feeling against the Emperor of Mexico, and, indeed, are preparing for dire vengeance against him.

All the old and new guns of a cheap character are being purchased, with the view, I doubt not, to be sent for distribution among the Indians on the Yucatan side of the Rio Hondo,

who are, and have been for some years, not only hostile to the Mexican government, but in open rebellion, having long since driven the Mexican authorities from the southern portion of Yucatan

Though much real anxiety is being manifested among the better classes in Belize, lest England will, without a struggle, succumb to the demand and assumption of Maximilian, more with the view of shaking off a dependency which has proved more burdensome than profitable, than from any belief that the latter can sustain his claim, either by force of arms or peaceable arbitrament, yet I doubt not that England will resist the claim of Mexico with great tenacity. The old diplomatic battles will in every case, I doubt not, have to be again re-fought. I think I can see that Maximilian is disposed to take up the case where Old Spain left it—namely, after the defeat of General O'Neil, at the Geoge's kay, at the close of the Pork and Daughbey war, in 1798.

If Mexico can evade or set aside her obligations, as contained in her treaty with Great Britain of 1826, the question then of plenary sovereignty, as the result of peaceable possession, will be fairly opened; and the first necéssity then created will be to determine as to what length of time should be considered sufficient as between nations to constitute a *de facto* claim; because, undoubtedly, England has remained in peaceable possession of this colony since the year 1798 without any practical objections from any quarter, unless, indeed, it can be believed that the treaties of 1809 and 1814 re-vitalized those of 1783 and 1786, and which, I think, might be believed without much damage to truth. However, I think the question is probably destined to be one of a somewhat vexed and litigious character, and the greatest barrier, in my opinion, to Mexico's claim will prove to be her treaty of 1826. But as this whole embroglio is likely to be somewhat of the "dog eat dog" character, we have really nothing to do with it, particularly in view of the present arrangement of parties.

These people evidently have a great horror for Spanish rule and government; and from the intimations of some, I infer that if they are to be forsaken by the British government, they will, with uplifted, suppliant hands, implore the United States government to receive them under her capacious wings; and, indeed, some have interrogated me already as to the course we will pursue in case England relinquishes her claim to this colony; and my answer is, "Sufficient for the day is the evil thereof." When the question demands a solution at our hands, the government of the United States will doubtless treat it as its merits demand. But all this seems to look like a verification of the prophecy which I ventured to make some months ago, to the effect that the full design of Napoleon would not be consummated until the new Mexican empire should be made to comprehend the ancient boundaries as governed by Iturbide; and, as a partial proof of this hypothesis, we have only to loop this effort of Maximilian with the attempt of the late French consul at Galveston to alienate the State of Texas from the American Union, and the case is fast being made out.

The same paper that contains the proclamation of Maximilian also contains a very inflammatory article against the English settlers in Belize. charging them with having furnished munitions of war to the Indians in rebellion against the Mexican authorities, also calling seriously in question their right to occupy this country. There is evidently a bad state of feeling existing on the part of the Mexican population of Yucatan, or the authorities thereof, against the English in British Honduras. Should you, however, find it desirable in the future to become thoroughly conversant with the entire question, so far as its historical bearings are concerned, I beg most respectfully to refer you to the manuscript which I had the honor to transmit to the department some months ago, and which I think is a faithful history of the country of British Honduras.

A rumor reached this a few days ago, through the newspapers, that Denmark had proposed to dispose of her West India possessions to the government of the United States; and in a conversation with the governor the day following I mentioned the fact of such a report being current, when he promptly replied that it would be the very best disposition that could be made of them. Whether or not he meant what he said, is another matter.

This afternoon I again met the governor, whilst taking his usual afternoon ride, when he stopped me, inquiring the news. I informed him that information had just reached me that the Florida had been captured by a United States gunboat, and immediately the conversation changed to the proclamation of Maximilian. He said, frankly, that Great Britain would never relinquish the colony to Mexico; that the opinion is gaining popularity in England that it is not politic to hold so many dependencies at so great a distance; and hence. if it should be deemed desirable to relinquish this colony, it would be to the people themselves, so that they might either manage their own affairs, or seek such affinities as would best suit their tastes; and intimated, as he once before plainly observed, that the United States would be more suited to exercise jurisdiction in Central America than Mexico. Believing that his purpose was mainly to seek my opinion upon the subject, I remarked, that whilst Cuba, from many considerations, might be desirable to the government of the United States, yet I was fully of the opinion that an extension of our territory upon the main land would neither be politic nor wise; that we now possess as much domain as could be well managed by one central power; but yet, nevertheless, the fact need not be disguised that we do feel a great concern that these Central America countries should have stamped upon them good stable governments of a republican character; and that we doubtless should not fail to lend our full moral influence, upon all proper occasions, to bring about and secure such a result; but

that absorption, or annexation, is not any part of our present policy. Though I spoke thus to the governor as a man, and not by authority, and may or may not have reflected the national opinion, yet they are views I think highly conservative, and will at least tend greatly to smother up previous jealousies and assumptions in regard to our propagandism and cravings in Central America.

I understand that the comandante of Ysabal, in Guatemala, has arrived here in connexion with the proclamation of the Emperor of Mexico.

With great respect, I have the honor to be your most obedient servant,

CHARLES A. LEAS,
United States Commercial Agent.

F. W. SEWARD, Esq.,
Assistant Secretary of State.

Mr. Seward to Mr. Adams.

No. 1200.] DEPARTMENT OF STATE,
Washington, December 25, 1864.

SIR: Your despatch of the 1st of December, No. 825, has been received. It is accompanied by letters which have passed between Earl Russell and yourself, supplemental to the long and unsatisfactory correspondence between the United States and Great Britain, upon the subject of the Deerhound. Your answer is approved.

I am well aware that constitutional governments often plead (perhaps necessarily) the want of direct authority by municipal law to perform duties of international obligation, nor am I prepared to deny that the plea is entitled to very conciliatory consideration, especially by other constitutional governments. On the other hand, is it not justly to be expected that the plea, when adopted, will be accompanied by an acknowledgment of the national obligation? and that when that obligation is denied, the plea of want of municipal authority will not be insisted upon? Duplicity in pleading is no more legal in international than it is in municipal jurisprudence. It seems to me also that in your rejoinder you have answered the argument which Earl Russell seeks to derive from ancient collisions between Spain and the United States. If, however, the case were otherwise, Great Britain could hardly expect us to be concluded by erroneous precedents of our own, after she has so entirely abandoned, in her claims in the Trent case, the principles upon which she had conducted maritime war for three fourths of a century.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1201.] DEPARTMENT OF STATE,
Washington, December 26, 1864.

SIR: Your despatch of December 1, No. 823, has been received, together with a copy of a note which Earl Russell has written to James M. Mason, John Slidell and Dudley Mann. If the present government of her Majesty were less just or generous towards the United States than they are, I might think it wise to raise a question upon that extraordinary communication.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1203.] DEPARTMENT OF STATE,
Washington, December 26, 1864.

SIR: Your despatch of the 8th of December, No. 830, together with the account of the opening of the case of the Queen against Rumble, under the foreign enlistment act, has been received. We await the end of the trial with deep interest. It is desirable to know whether, in a constitutional government which devolves the performance of international obligation upon a municipal judiciary, an aggrieved state can obtain at least one just and effective judgment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1204.] DEPARTMENT OF STATE,
Washington, December 26, 1864.

SIR: In your despatch of the 1st of December, No. 823, you mention that Earl Russell has placed in your hands a copy of his reply, through Lord Lyons, to my despatch to yourself of the 24th of October, 1136.

That despatch was probably addressed to you, because this government can properly hold no correspondence with the provinces of Great Britain. At the same time it was thought important that especially the authorities of Canada should, as early as possible, be made acquainted with the views thus designed to be submitted to the imperial government. For this reason the despatch was confidently communicated to the legation here. I see no reason to object to Earl Russell's proceeding in communicating his views through that legation, instead of addressing them to yourself. On the other hand, the promptness with which he gave his attention to the subject is regarded favorably.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1208.] DEPARTMENT OF STATE,
Washington, December 27, 1864.

SIR: On the night of the 20th instant the enemy, under the pressure of the siege, secretly withdrew from Savannah, and Major General Sherman entered the city, in which he took eight hundred prisoners, one hundred and fifty guns, with abundant ammunition, three steamers, and thirteen locomotives, one hundred and ninety cars, and a quantity of cotton, variously reported at twenty-five thousand to thirty-three thousand bales. The enemy blew up their iron-clads and gunboats. General Foster, co-operating with Sherman, promptly cleared the river from Tybee to the wharves, and Savannah is again reposing under the protection of the flag of the Union. The enemy escaped across the river and the causeways which lead over the marshes which cover its northern bank. It is believed that General Sherman's army will not remain inactive. No significant military movement has occurred at Richmond.

The combined land and naval expedition, under Major General Butler and

Admiral Porter, proceeded to the mouth of the Cape Fear river, but the weather being unfavorable they had not, at the date of our latest advices, been able to operate.

Silence prevails in the valley of the Shenandoah, except that Major General Sheridan has a large force engaged in a reconnoissance upon the Orange and Alexandria railroad in the region of Gordonsville.

Major General Thomas's victory at Nashville proves the most completely successful field triumph of the war. Virtually he destroyed half the enemy's force, and captured nearly all of his cannon. He was still in pursuit of Hood, who was retreating southward when last heard from. Thomas's headquarters are at Pulaski. There he has just destroyed twenty wagons filled with ammunition, two guns, and burned ten thousand stand of small-arms. Hood's means of transportation are wasted, and his force is now reduced to fifteen thousand, exclusive of cavalry, and he has only eight cannon.

Stoneman's expedition on the border, between Tennessee and Virginia, seems to be very successful.

The Canadian authorities have become watchful, active, and diligent, and raids and alarms upon the frontier have suddenly ceased.

Congress has adjourned for the Christmas holidays, and the people are joyously celebrating them under the belief that the solution of our terrible political problem is revealed, although not yet realized, in the extinguishment of slavery and the stability of the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Adams to Mr. Seward.

No. 845.] LEGATION OF THE UNITED STATES,
London, December 29, 1864.

SIR: I have to acknowledge the reception of despatches from the department, numbered 1183, and from 1185 to 1189 inclusive.

In regard to the subject referred to in your No. 1185, of the 9th of December, the matter had already been disposed of so completely by the release of the Great Western, that I presume there is no occasion to take further action, unless it be in the manner indicated in my despatch to you, No. 819, of the 25th of November, which relates to this affair. I shall, therefore, await any instructions which you may prepare, after you shall have been placed in full possession of the facts.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 846.] LEGATION OF THE UNITED STATES,
London, December 30, 1864.

SIR: In consequence of the reception of your despatches Nos. 1183, 1186 and 1189, I decided to ask an interview with Lord Russell. I preferred to

take this course rather than to make the papers the subject of successive written communications. His lordship received me on Wednesday at the Foreign Office, where I had a frank conversation with him.

Before commencing on the main subject, however, I took the opportunity to convey to him your message in respect to the departureof Lord Lyons. I referred to the tone of the note which you had addressed to that gentleman, a copy of which you had sent to me. His lordship expressed much satisfaction with this communication. Lord Lyons had left his post only under a conviction of his physical inability to continue to perform the duties properly. The government would be glad to have him return; but this must depend upon the probability of his restoration to health. He had seen him but once, and then no allusion had been made to Mr. Seward's note. He might have some delicacy in mentioning it, as it was complimentary to himself. I said, that in that case, perhaps, his lordship would like to have me furnish him with a copy; he assented, and I have since transmitted it to him.

I then referred to the serious increase of the difficulties occasioned by the operation of the rebel emissaries in Canada. On that subject I now had in my hands three different despatches, each relating to a distinct matter. At first I had thought of making my communication in writing, but after reflecting upon the very strong assurances given to me in his lordship's note of the 16th instant, as to the determination of her Majesty's government to do everything in its power to put a stop to these abuses, it had seemed to me that to write again might imply a doubt of its good faith, which I was far from entertaining. Under these circumstances I had preferred to bring copies of the material papers with me, for the purpose of placing them in his hands, as cumulative proof of the systematic abuse of the neutral territory practiced by the rebels and their agents. I then gave him a copy of the intercepted letter to Mr. Benjamin, contained in your No. 1183, as well as of the letters of General Dix and Colonel Townsend, which came with Nos. 1186 and 1189. His lordship read over the first of these in my presence, making now and then a comment as he went on. He then explained the precise nature of the legal difficulty which had led to the release of the St. Albans raiders. It grew out of an effort of the Canadian legislature to consolidate the provisions of former laws to carry out the extradition, which had had the effect to repeal those, whilst the new act had not yet obtained the necessary sanction of the privy council here. It was much to be regretted, on every account, that this should have happened.

His lordship, however, went on to remark, that if the fact could be clearly made out that this action in Canada was carried on by the belligerent authorities at Richmond, and under their instructions, it was the opinion of the law officers of the Crown that they might at once be proceeded against in the courts, as guilty of a high offence against her Majesty's authority, and the peace of the kingdom. He alluded particularly to the lord chancellor, as clear on that point. I replied that this had always seemed to me the alternative. If these people were not acting under belligerent authority, they were liable, as criminals, to the claim of extradition, under the treaty. If, on the other hand, they could prove that they were so acting, then they were liable as violators of the neutrality of her Majesty's territory.

His lordship likewise gave me to understand that the government had recommended to the authorities in Canada to procure the passage of an act by the legislature, which was about to assemble, similar to that passed by Congress in 1838. This is in accordance with the desire expressed in your despatch to me, No. 1136, of 24th October last, and in my note to his lordship, of the 23d November, based upon the instructions in that paper.

I then referred to the growth of the excitement on this subject in America, in consequence of the vagueness as well as the variety of the alleged schemes *of these people*, as they were reported in the newspapers. The anxiety and

suspense occasioned to the inhabitants along the whole border were worse than any definite assault could possibly be. It was, doubtless, in consequence of this that the order of General Dix had been issued, which was referred to in the telegraphic intelligence received through the newspapers this evening. I could not tell how correctly the language might be reported, but I was convinced, from my personal knowledge of General Dix, that if he had issued such an order, it had been drawn from him only by the great pressure of the public feeling demanding protection from violence.

His lordship expressed great concern at this proceeding. Whilst he was desirous of doing everything in his power to give security to the frontier, and he believed the Canadian authorities anxious to co-operate as effectively as possible, he could not but view any such acts as General Dix appeared to authorize on the Canadian territory as likely to complicate matters very gravely.

I replied, that, from my knowledge of General Dix, I did not believe that he acted with any desire to magnify the difficulties between the two governments.

His lordship said that Lord Lyons had seen him when at New York. He concluded the interview by expressing a hope that we might find a safe issue from this, as we had from so many other troubles that had sprung up during this war.

There is a good deal of uneasiness felt here on account of the act of General Dix. The funds were affected by it yesterday. The hopes of the rebel sympathizers were also raised by it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 848.] LEGATION OF THE UNITED STATES,
London, December 30, 1864.

SIR: I have just received an address to the President from the Oldham Auxiliary Union and Emancipation Society, which I now have the honor to transmit, together with a printed copy of the report of the proceedings.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Address of the Oldham Auxiliary Union and Emancipation Society to his excellency Abraham Lincoln on his re-election to the presidency, November 8, 1864.

SIR: We hasten to congratulate you on the welcome intelligence that you have again been elected to the high dignity of President of the United States of America, an election which, whilst it has sealed the fate of slavery in your great country, cannot fail, under the circumstances of the case, to impress thoughtful minds as being one of the most sublime spectacles of the world.

Ever since the Baltimore convention adopted its platform of enlightened patriotism and radical anti-slavery principles, and so unanimously nominated you for the presidency, we have not faltered for one moment in our conviction that the people of the free States of your great republic would be true to their instincts and highest aspirations, and that their vote on the 8th of November, 1864, would prove them loyal to liberty, unity, and nationality.

Nobly have they responded to the claims of duty and humanity, and gloriously have they vindicated and illustrated the value and safety of popular representative government, proving themselves worthy of those free institutions and beneficent social arrangements that grow out of enlightened, educated, and civilized commonwealths.

The federal Union and Constitution are dearly and wisely prized by them as a sacred trust bequeathed by their forefathers, and ought not to be yielded in the spirit of compromise or concession to that system of cruelty and iniquity, human slavery, which has been the blot on your national reputation.

We mourn with you over the desolation that civil war is making among the families and homes of your people who gave their choicest sons, their bravest brothers, their best beloved of earth, and who are still heroically struggling to save the national life with all that freemen hold dear and that brave men cling to—equal, civil, and political liberty for men of all races and countries—and we believe that they will succeed. Already, during the term of your past presidency, you have conquered for freedom an area of one million three hundred thousand square miles, which three years ago was claimed by the rebels, and doubtless your brave and patriotic armies will, ere long, wrest the remaining three hundred and fifty thousand square miles from the grasp of the slaveholders' confederacy.

We rejoice in your re-election because we have observed in your presidential career a grand simplicity of purpose and a patriotism that knows no danger, and which does not falter. We have recognized in you an honest endeavor faithfully to do the work of your great office, and, in doing it a brightness of personal honor on which no adversary has as yet been able to fix a stain. We believe that you have been raised up by the providence of God to rescue your nation from anarchy, disruption, and ruin.

By this election your people have pledged to the world their lives, their fortunes, and their sacred honors, that they will redeem your great country from the crime and curse of slavery; that it shall, indeed, and, without exception, be the home of the free and the brave, and that its government, in form and in administration, shall continue to be the best and freest, the most equal in its rights, the most just in its decisions, the most lenient in its measures, and the most aspiring in its principles to elevate the race of man that the sun of heaven ever shone upon.

We have deplored the undisguised sympathy which has been manifested towards the slave confederacy in this country, but we rejoice to be able to assure you that, from the very commencement of the struggle, the great majority of the working classes, and no inconsiderable proportion of the middle class, together with the profoundest thinkers of our country, have been true to the principles of right and liberty, and, by their united voice, have prevented any hostile action on the part of those who were only too anxious to recognize an empire based upon the "corner-stone" of slavery.

We are not unmindful of the fact that, in advocating the full and complete adoption of the principles of civil, religious, and political liberty, the destinies of the peoples of this nation and of America are inseparably linked together; and we believe that we declare the conviction of all intelligent, honest, and unprejudiced lovers of liberty and justice, when we express our unshaken faith that you will crush the rebellion, restore the Union, maintain your national integrity, and thereby secure the priceless heritage of freedom to your people throughout all generations.

Adopted by the Auxiliary Executive of the Union and Emancipation Society, Oldham, December 10, 1864.

THOMAS EMMETT, *President.*

Resolved, That the address adopted by the Executive of the Union and Emancipation Society be accepted as the expression of opinion of the friends of union and emancipation in Oldham, and that a copy thereof be sent to his excellency Charles Francis Adams, with a request that he will transmit it to President Lincoln, on our behalf, together with this resolution.

Mr. Seward to Mr. Adams.

No. 1214.] DEPARTMENT OF STATE,
Washington, December 31, 1864.

SIR: Your despatch of the 16th of December, No. 833, has been received, and I have read with much interest the account which accompanies it of a trial in the exchequer between two gamblers, upon the question which should suffer the loss incurred in an unsuccessful attempt to run our blockade, in violation of the laws and honor of Great Britain. Baron Martin seems to be of the sort of judge that Shakspeare illustrates in the Merchant of Venice. I presume it would be expecting too much were we to anticipate that the exposé made in this trial would exert any favorable influence upon the British mind in regard to international obligations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1215.] DEPARTMENT OF STATE,
Washington, December 31, 1864.

SIR: Your despatch of the 16th of December, No. 835, has been received. The Emancipation Society of London has anticipated the definitive process of the national election in their congratulatory address to the President. But he thinks that this circumstance would not justify him in assuming the result of a re-election before it is constitutionally ascertained and declared in Congress. You will please make this explanation to the society, together with an assurance that the President is profoundly moved by the sentiments of good will towards him and towards our country which they have expressed. You will make a similar answer to the Newmilus Anti-slavery Society.

I suppose it hardly necessary to repeat, on this occasion, the instructions given early in your mission, that whatever passes from this department, or your legation, to any portion of the British people, ought first to be made known to Earl Russell.

Your reply to the delegates of the Emancipation Society was just and felicitous.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq, &c, &c., &c.

Mr. Seward to Mr. Adams.

No. 1216.] DEPARTMENT OF STATE,
Washington, December 31, 1864.

SIR: You know how, in the beginning of our unhappy civil commotion, this government declined to go before foreign nations as arbitrators in the strife. That forbearance was suggested not more by what was thought to be a proper sense of self-respect, than by a conviction that foreign partisanship might exasperate and prolong the strife, and ultimately, perhaps, enlarge the theatre of war. Our prudence was not fully appreciated, either by her Majesty's government or by the British people. The whole British empire seems now to be agitated by clashing sympathies. Under these circumstances it may be apprehended that the legation at London may accidentally become embarrassed by contentions of British subjects concerning our affairs. Desiring to avoid any such mischievous complication, it is thought here that you may henceforward decline to give personal audience to delegations, and may transmit all papers to this department for special instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1219.] DEPARTMENT OF STATE,
Washington, January 1, 1865.

SIR: The new year opens on Sunday; we shall celebrate it to-morrow, Monday; I must, therefore, close the European mail to-day. The land and naval expedition delivered its attack on the 24th and 25th ultimo. The dangerous explosion of the powder-ship was accomplished with complete success, but

absolutely without effect. The naval attack on Fort Fisher was eminently vigorous. About four thousand troops were landed safely, leaving as many more on transports. General Weitzel made a reconnoissance, which satisfied him that an assault could not be wisely undertaken. The troops on shore were re-embarked, and the whole land force returned to the James river. Rear-Admiral Porter, who commanded the fleet, seems not to have been convinced that the withdrawal of the troops was indispensably necessary. The fleet, according to latest advices, remains at the mouth of the Cape Fear river. The public mind is disappointed, but not seriously disturbed.

Except in regard to these incidents, the news of the past week are pleasing echoes of the capture of Savannah, by Sherman; the rout of Hood, with his flight across the Tennessee into Alabama; the destruction of insurgent communications and military deposits in eastern Tennessee and southwestern Virginia, by Burbridge; a successful raid from Baton Rouge towards Mobile, and an equally beneficial reconnoissance by Sheridan on the Orange and Alexandria railroad.

We are looking for new military movements, with as little delay as the variable winter weather will allow.

Some of the St. Albans' felons have been captured in New Hampshire. The Canadian authorities are active, but thus far there has been no delivery of offenders to us for punishment, nor have any judicial proceedings been instituted, to vindicate British sovereignty in Canada.

Congress is still adjourned. I have answered the representative of the Brazilian government in the case of the Florida.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1221.] DEPARTMENT OF STATE,
Washington, January 1, 1865.

SIR: Your despatch of the 16th ultimo, No. 832, informing me that you had transmitted to Lord Russell the information contained in General Dix's letter, respecting the rebel organization at Marysburgh, Prince Edward's county, in Canada, has been received and approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 850.] LEGATION OF THE UNITED STATES,
London, January 5, 1865.

SIR: Despatches from the department, numbered from 1190 to 1194, inclusive, have been received at this legation. The most important of these are Nos. 1190 and 1194, which relate to the state of things between the countries growing out of the outrages committed along the borders of Canada, and the action of the judge in releasing the perpetrators. I am directed to communicate to Lord Russell the remarks contained in No. 1194, but I am, at the same time, authorized to exercise my own judgment as to the form and extent to which this is to be done.

Upon the most careful reflection which I have been able to give to the whole subject as it is now presented to me on this side of the water, I have concluded to exercise the discretion vested in me so far as to desist from acting, at least for a little while. My reasons are these:

The action of Judge Coursal upon the question submitted to him has led not only to a very general expression of disapprobation here, but it has also prompted a most unequivocal condemnation of the outrage itself. There appears to be little difference of opinion in the public press on this subject. I am convinced that if any repetition of it should be attempted it will go far to stop all further open sympathy with the rebel cause. Any penalty which may be inflicted upon the perpetrators will be approved and justified. I have directed a copy of "The Times" to be sent to you, containing a leader on the subject, which bears evident marks of authority. A similar leader, even more decided in tone, appeared simultaneously in the evening paper, "The Globe" I may say that public sentiment has been more nearly right on this question, than upon any since I have held this post.

Moreover, I consider the assurances of Lord Russell, as given to me in the conversation, a report of which I sent to you in my despatch of last week, No. 846, as in substance containing a favorable answer to much if not all that has been desired by the government. Since I sent that despatch his lordship has submitted to me his report of that same conversation as he sent it to Mr. Hume Burnley, and I find I have a little understated the strength of his language, an error which I would rather commit than its opposite. I send copies of the notes that passed, in order to show that I purposely marked to him my sense of the difference. The President's immediate revocation of that part of General Dix's order to which his lordship took exception, seems to leave the matter in the best possible condition, at least so far as the disposition of the British government is concerned. Under these circumstances if I were to go on making more representations just now, it appears to me that the effect would be only to betray an offensive doubt of the sincerity of its professions.

I shall, however, in the course of the next few weeks, seize opportunities to communicate the substance of the information contained in your despatch No. 1194, as they may occur. I shall, moreover, make more occasions to meet with Lord Russell, particularly since I have received, in a private way, intimations that in the absence of Lord Lyons it would be convenient.

I find by a notice in this morning's papers that Captain Corbet, the person who took charge of the Sea King on her voyage out, has been at last traced out and arrested by order of the government for a violation of the enlistment law. This incident, of which his lordship's reply to my note of the 18th of November last on the subject held out no promise, is another favorable symptom of the *animus* of the government.

I am well aware of the extent of the irritation of the people along the line of the boundary, very justly excited by these atrocious enterprises. I find no disposition in the public press here to find fault with that. If it should prove to have had the effect of stimulating the government here to quicken its preventive action, it will not be a matter to be regretted. But I cannot withhold the expression of a hope that it may not so far precipitate the movements of the representative bodies as to hazard the very event happening, which these operations were intended to bring about—the complication of differences with foreign powers with the efforts to suppress the rebellion.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. The Times, January 4, 1865.
2. The Globe, January 2, 1865.
3. Lord Russell to Mr. Adams, January 2, 1865.
4. Lord Russell to Mr. Burnley, December 29, 1864.
5. Mr. Adams to Lord Russell, January 4, 1865.
6. The Star, January 5, 1865.
7. Lord Russell to Mr. Adams, November 19, 1864.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 2, 1865.

Lord Russell presents his compliments to Mr. Adams, and wishing to be quite assured of his correctness of his report of the conversation he held with Mr. Adams on Wednesday last, the 28th ultimo, has the honor to transmit to him the accompanying copy of the despatch which he has addressed to Mr. Burnley, her Majesty's chargé d'affaires at Washington.

Earl Russell to Mr. Burnley.

FOREIGN OFFICE, *December* 29, 1864.

SIR: Yesterday, the 28th, Mr. Adams called upon me, by his own desire, at the Foreign Office. He expressed to me, by the order of his government, the great regret felt by them at the departure of Lord Lyons, and offered to show me a letter of Mr. Seward to Lord Lyons testifying that regret. I told him that equal regret was felt on our side, and that nothing but the failing health of Lord Lyons would have induced her Majesty's government to consent to his temporary departure. Mr. Adams promised to send me a copy of the letter of Mr. Seward.

Mr. Adams then spoke to me of two or three matters of very little importance; and finally entered on that which he said was the chief object of his seeking an interview with me, namely, the border raids which had been executed, or were in preparation, from Canada. Mr. Adams said my last letter to him had contained assurances so positive and unequivocal that he should not have asked me for any further declarations had he not received, by the last packet, positive injunctions to make to me certain communications. The documents which he then put into my hands, and of which I send you copies, consisted mainly of—

1. An intercepted letter, written by a confederate partisan from Canada, not signed, but evidently authentic. This letter, written before the re-election of President Lincoln, shows that although the particular raid or foray against St. Albans was not directed by the confederate government, yet the general plan of burning towns and robbing banks in the frontier States of the United States was concerted and approved by the confederate authorities. The failure of the attempt to burn the banks and houses of St. Albans is attributed to some defect in the chemical preparation which had been used.

2. The next document contains evidence that the town of Windsor, in Canada, had been fixed upon by the confederates for the preparation and manufacture of a chemical material to be used in setting on fire the towns and villages of the United States.

3. The third set of documents contain a letter of the Assistant Secretary of War to Mr. Seward, enclosing, for such action as might be considered necessary, a copy of a letter of General Dix, in which he states that he has information on which he can rely, that a confederate regiment, namely, Colonel Butler's regiment of Kentucky cavalry, was to be furloughed into Canada for the purpose of disturbing, from that neutral position, the frontiers of the United States.

Mr Adams, after I had read these documents, said that Mr. Seward had directed him to put them into my hands, in order that her Majesty's government might take such measures as were required by our own declarations of neutrality, and the relations of amity subsisting between the two nations.

I said that I had already assured him, in the letter to which he had alluded, that her Majesty's government would adopt such measures as may be required, and may be effective for the maintenance of her Majesty's declared neutrality. That one of the measures to which I meant to refer was a direction already sent to the governor general of Canada, to propose to his legislature a measure similar to the United States act of Congress of 1838. That whatever technical grounds may have been found for delivering from custody the St. Albans raiders, all the highest law authorities in this country concurred in thinking, that any act done in Canada in violation of her Majesty's neutrality, and in disobedience to her Majesty's proclamation, would be illegal. That it remained for her Majesty's government to give such directions and adopt such measures as might insure the punishment of persons guilty of such illegal acts, and prevent the repetition of such acts for the future. I said her Majesty's government were fully aware of their international duties, and had determined to perform them.

I then asked Mr. Adams whether he had seen the several editions of "The Times." Mr. Adams said he had. The paragraph to which I meant to allude was to the following purport:

"In consequence of the discharge of the St. Albans raiders, and preparations in Canada for the renewal of similar enterprises, the military commanders on the frontier are directed by General Dix, in case of further acts of depredation, to shoot down the perpetrators, if possible, and if necessary for their capture, to cross the Canadian boundaries and pursue them wherever they take refuge, and not to surrender them if captured, but send them on to headquarters for trial by court-martial."

Finding that Mr. Adams had read this paragraph, I said, that with regard to the treatment of such depredators on the United States territory I had nothing to say; but I had seen, with regret, that orders were given to pursue such persons on her Majesty's Canadian territory; that such pursuit might encounter resistance, and the relations of the two countries might be thus endangered.

Mr. Adams said that such outrages caused so great a resentment, it was difficult to restrain troops in pursuit of their enemy.

I said that was very true, and that troops in pursuit, and in the heat of blood, might not accurately respect an ill-defined boundary. But this was a deliberate order of a general in the military service of the United States.

Mr. Adams said he knew General Dix, who bore a high character for sense and moderation.

I said, that might be, but we must all recollect the very just remark of President Lincoln, that these inroads and depredations were organized with a view to bring on a war between Great Britain and the United States. That both governments were bound to do everything in their power to defeat so wicked a design. That for our parts we had nothing more at heart. Mr. Adams then took his leave.

I am, &c., &c.,

RUSSELL.

J. H. BURNLEY, Esq., *&c., &c., &c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 4, 1865.

Mr. Adams presents his compliments to Lord Russell, and acknowledges the receipt of his note of the 2d instant, covering a report of the conversation held with his lordship on the 28th ultimo, which he does him the honor to submit for his consideration. Mr. Adams is happy to be able to confirm its substantial correctness. He begs only to observe, not without great satisfaction, that the assurances as given by his lordship are clothed in stronger language than he had himself ventured to report them to his government.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 19, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, enclosing copies of a letter from the United States consul at Liverpool, and the depositions of two men who lately formed part of the crew of the steamer Sea King.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

[From the London Times of January 4, 1865.]

We are now in possession of those papers from which mankind must form their judgment as to the true nature and bearing of those transactions in Canada which have so greatly irritated the press and the people of the United States. For once we feel very much inclined to sympathize with them in the first outburst of their indignation. The outrage which had been inflicted upon them by persons taking their departure from the neutral territory of Canada was of the foulest description. It had nothing in it of the nature of war, but was really robbery and murder striving to shelter itself under that all-atoning name. The success of a hundred such outrages as the St. Albans raid could not by any possibility have influenced in the slightest degree the result of the American civil war. It is not by plundering banks and murdering clerks that the destinies of great nations struggling for existence or independence are to be decided; and, for our part, we shall heartily rejoice if the

perpetrators shall be at last given up, to be dealt with not as honorable enemies, but as criminals exposed to the just vengeance of offended law. We have purposely abstained in a matter of so much importance from offering any opinion on the rights of this question until we had before us the arguments of counsel and the decision of the judge; the point at issue is one of some intricacy, but we hope we may make it clear enough to enable our readers to judge of the question for themselves.

By one of the clauses of the treaty of 1842, of which we have recently had the benefit in the case of Müller, provision is made for the extradition of criminals taking refuge in the territories of the two contracting parties. This treaty required an act of Parliament to give effect to its clauses, and by that act of Parliament (the 12th Victoria) it was provided that such fugitives might be arrested by a warrant under the hand of the Secretary of State, or of the governor of any province; and that if it appeared that there was sufficient evidence against him he was to be given up to those who made the requisition. But it being thought likely that in some cases it might be found more expedient to leave the regulation of the details of the execution of the treaty to be settled by local legislatures, it was provided by the fifth section of the imperial act that, in case a local legislature should make provision for carrying the treaty into effect by substituting some other enactment, the Queen in Council might suspend the operation of the imperial act within the limits of the colony the legislature of which had made such provision. The legislature of Canada did make this provision by an act passed in the twelfth year of the present Queen, and the Queen in 1850, by Order in Council, suspended the imperial act so long as the Canadian act of the 12th Victoria should be in force, and no longer. Had matters remained here the thing would have been perfectly clear. By the imperial act the fugitive must be arrested by a warrant signed either by the secretary of state or the governor of the colony. Under the colonial act a warrant signed by a judge of one of the courts was sufficient. By the joint efficacy of the colonial act and of the Order in Council, the colonial was substituted for the imperial act, and it was not necessary to obtain the signature of the governor general. But the matter did not stop here. The Canadian legislature consolidated its acts in ten years afterwards, and the manner in which the consolidation was effected was by repealing existing acts and re-enacting them, with or without alteration. The 12th Victoria was thus repealed and re-enacted. From the moment of its repeal, as it seems to us, the suspending efficacy of the Order in Council was gone for want of something to act upon, and the imperial act, which had been held in abeyance for ten years, revived. But the matter did not stop even here. Two years after the act which had been re-enacted in the consolidated acts was materially varied in its leading provisions, so that not only had this specific act to which the Order in Council applied ceased to exist, but its provisions, which were at first preserved by the consolidating act, had ceased to exist also.

The St. Albans raiders were arrested under a warrant issued by a judge, which was valid if the colonial act was in force, but invalid if the imperial act had revived. The judge held the colonial act, which had been re-enacted and varied, was not in force; and for our part we cannot conceive how he could have possibly held otherwise. A colonial act can have no force of itself as against an act of the imperial legislature. That force was in this instance imparted under the special authority of an order in council. When that order in council ceased to apply the imperial act must clearly prevail. So far, therefore, we think that America has no cause of complaint against us. The judge appears to have decided according to well-recognized principles of law, and though the point was highly technical, it appears to have been clear enough. The fault was not in him, but, in the first place, in the blunder of the colonial legislature, and, in the next place, in the oversight of the legal advisers of the Canadian executive. But, admitting that the judge was right in his law, was it clear that the judge was bound to treat the matter in the summary manner that he did? Was he bound to discharge the prisoner before him? And if so, was he bound to discharge all the other prisoners whose cases he had not heard? Of course we speak on this point with hesitation and diffidence. The judge assumed that it was a question of jurisdiction. To us it would seem rather a question of the process by which the fugitives were brought before the court than of the jurisdiction of the court. The application, as we understand it, was not on a writ of *habeas corpus*. The prisoners were brought up on the warrant of the judge, the evidence against them was gone into, and the case was remanded to hear the other side. Is it quite clear that after the merits of the case had been entered upon at large it was competent to the prisoners to take this highly technical objection to the validity of the process which brought them there? Even supposing this view to be incorrect, was it incumbent on the judge to give such effect to an objection so highly technical and so easily remediable as to discharge six prisoners accused of such heavy offences, without even hearing what could be said in any case except one, and with the certainty that by so doing he was entirely defeating the ends of justice? He took time to consider his decision on a point which he stated himself to be one of intricacy and nicety. Would he have done wrong if he had taken for the consideration of a question so knotty and so important a period long enough to obtain the signature of the governor general, and thus to have cured effectually this purely technical slip, if it should really have been found to exist? We are not impugning the integrity or the ability of the judge, of whose antecedents we know nothing; but we certainly think that there was some want of discretion in the precipitate and almost violent manner in which he cancelled the whole proceeding, and probably enabled six great

criminals to escape from the hands of justice. A warrant has of course been signed by the governor general; but we fear that it is exceedingly unlikely that these prisoners will be recaptured in so vast, so thickly wooded, and so thinly peopled a country as Canada, where there must be many confederate refugees who would strain every nerve to facilitate their escape.

But we go a step further, and maintain that if the judge had no alternative but to act in the way that he did, the authorities of Montreal ought to have taken upon themselves the risk and the responsibility of detaining these prisoners, even without legal warrant, for the very brief period which would have been required to obtain the requisite warrant signed by the governor general. The question was one of great importance; on it might have depended the issues of peace and war, and any one refusing to allow the ends of justice and the very legitimate demands of a neighboring nation to be defeated by a merely technical objection might reckon with the utmost confidence on obtaining a legislative indemnity for his conduct. We do not know where the governor general was, but he probably was not beyond Quebec on the north, or Toronto on the south, and might therefore have been communicated with by railway and telegraph in a few hours. We are not in possession of information sufficient to enable us to state on whom, beyond the judge, the blame of this signal miscarriage of justice attaches; but strong and unjustifiable as the language of the American journals has been, we certainly feel that they have good ground for feeling indignant at a transaction that contrasts so unfavorably with the prompt and efficient assistance which they gave us in the case of Müller. We must not expect that in the heat of a tremendous civil war persons having a legitimate subject of complaint will confine themselves within the exact bounds of reason and justice; and we have every reason to be satisfied with the decision of the American President, which has so opportunely checked a fermentation the results of which no man could foresee. At the same time we would point out that the executive government is not responsible for the miscarriage of a judge, and that one of the principal objects of the institutions under which we live is to remove our tribunals, so far as possible, from any such influence. But nothing appears to be alleged against the authorities of Canada beyond the timidity which prevented them from taking a very bold and hazardous resolution, on a very difficult question, on a very sudden occasion; and whatever fault may be found ultimately to attach to the colonial authorities, judicial or executive, the people and government of this country had no power in the matter, and have no other wish than that the provisions of the extradition treaty shall be carried out with the utmost fairness and fullness in a spirit of strict impartiality, neither straining the law to promote the escape of the guilty, nor to bring the innocent within the power of their enemies.

[From the London Globe of January 2, 1865.]

As we anticipated, President Lincoln has disavowed the order of General Dix, so far at least as it related to the violation of neutral territory. This is very satisfactory, as it tends to show that the language of the presidential message, so moderate towards all foreign powers, is a fair indication of the policy of the Washington government. To General Dix, educated, politically, in the ranks of the old democratic party, which boasted of its Walker and Hollins, its Harney and Pickett, the language of the late "General Order" must have come naturally, for it was in this style that the party, dominant in the Union up to 1860, were accustomed to talk and write. The disavowal of the order by Mr. Lincoln is exactly what we looked for. It shows that if the general spoke with the authority of Mr. Stanton, he did not speak with the cognizance of the Executive. We do not, however, believe that he spoke with the cognizance of the one or the authority of the other, but that his earlier training got the better of his judgment. If he had reflected, he would have known that his order was a first step towards war; and that if war broke out as a consequence, he would have been playing into the hands of the confederates, who desire nothing better, and frustrating the policy of his own government, who desire nothing less. For our parts, we are as much outraged as the United States government by the acts of these confederate marauders, and the imperial and colonial governments alike are most anxious to do all they can to prevent, and, where prevention fails, as it may, to punish the delinquents. If no such anxiety existed, if no steps were taken to prevent these incursions, then General Dix would be warranted in trying to obtain justice by force; but in that case we should not be long without war. Neither the imperial nor the colonial governments are so neglectful of their duties; neither desire war, but the contrary; and, in the very nature of things, peace with England is obviously the interest of the Washington government. While, therefore, we are gratified, we are not surprised to find our anticipation of the conduct of the President justified by the fact. But, in order that peace may be maintained, Canada must do her duty, and we have every reason to believe that she will.

[From the London Morning Star of January 5, 1865.]

ARREST OF THE CAPTAIN OF THE CONFEDERATE CRUISER SHENANDOAH BY THE BRITISH GOVERNMENT.

Captain P. S. Corbett, who commanded the confederate war cruiser Shenandoah, when, under the name of the Sea King, she sailed from the Thames in October last, was yesterday arrested in Liverpool, under a warrant issued by Sir Thomas Henry, the Bow street magistrate, upon the application of the government. The warrant charges that Captain Corbett, being a British subject, enlisted, or attempted to enlist, a man named Hartless, also a British subject, in the service of a foreign state, contrary to the provisions of the foreign enlistment act. The police have been for some time on the look-out for Captain Corbett, and the search has been somewhat difficult. Some days ago Inspector Clark, of the metropolitan detective force, arrived in Liverpool, where Captain Corbett was believed to be. Since then he has been assisted in his search by Inspectors Carlile and Cousens, of the Liverpool detective force. The capture resulted, in the end, from the recognition of Mrs. Corbett, who was living with her husband in close seclusion, but who had ventured into the streets. Immediately upon his arrest, Captain Corbett was conveyed to the detective office, and Inspector Clark telegraphed to London that he should bring his prisoner up to London by an evening train. It is understood that he will be brought up for examination at Bow street this (Thursday) morning. The prosecution will be conducted by Mr. John Greenwood, solicitor to the treasury, and Mr. Pollard, barrister, is instructed by Mr. Greenwood; and Captain Corbett's solicitors are Messrs. Hull, Stone, and Fletcher, of Liverpool. Captain Corbett is an experienced sailor, having been twenty-one years at sea. He returned in the Calabar from Madeira, after taking out the Shenandoah.

Mr. Seward to Mr. Adams.

No. 1223.] DEPARTMENT OF STATE,
Washington, January 9, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 22d of December, No. 840, transmitting a copy of the correspondence which has passed between yourself and Earl Russell with regard to the report made by General Dix respecting the hostile movements in Canada. Your proceedings therein mentioned are approved. I shall have occasion hereafter to advert to Earl Russell's reply.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1224.] DEPARTMENT OF STATE,
Washington, January 9, 1865.

SIR: I have received your despatch of December 23, No. 844, together with an address of the Central Council of the International Workingmen's Association to the President of the United States, and a copy of a letter which was written to you by Mr. Cremer, honorary general secretary of the council, in explanation of the origin of the address. These interesting papers have been submitted to the President. So far as the sentiments expressed by the council are personal, they are accepted by the President with a sincere and anxious desire that he may be able to prove himself not unworthy of the confidence which has been recently extended to him by his fellow-citizens and by so many of the friends of humanity and progress throughout the world.

The government of the United States has a clear consciousness that its policy neither is nor could be reactionary; but at the same time it adheres to the course which it adopted at the beginning, of abstaining everywhere from propagandism and unlawful intervention. It strives to do equal and exact justice to

all states and to all men, and it relies upon the beneficial results of that effort for support at home, and for respect and good will throughout the world. Nations do not exist for themselves alone, but to promote the welfare and happiness of mankind by benevolent intercourse and example. It is in this relation that the United States regard their cause in the present conflict with slavery-maintaining insurgents as the cause of human nature, and they derive new encouragement to persevere from the testimony of the workingmen of Europe, that the national attitude is favored with their enlightened approbation and earnest sympathies.

You will please communicate these sentiments to the council of workingmen.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1225.] DEPARTMENT OF STATE,
Washington, January 9, 1865.

SIR: Your despatch of the 23d of December, No. 842, has been received, together with the resolutions of the people of Dewsberry, and their address to the President of the United States. These papers have been submitted to the President, and received by him with unaffected sensibility and gratitude. Insurgent currency is variously quoted at prices varying from thirty to forty for one in gold. I give you an authentic report of an auction sale of slaves in Augusta, Georgia, in which the prices for the slaves, understood to be effective adult laborers, ranged from three thousand to three thousand five hundred dollars currency. You may give this fact to the citizens of Dewsberry as a demonstration that it is no longer doubtful that the American Union will live and that slavery must die.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1226.] DEPARTMENT OF STATE,
Washington, January 10, 1865.

SIR: You are referred to the Chronicle for extracts from the insurgent journals, which show that the conspirators are debating the question of inviting European protection. I should treat the discussion as a mere raving, symptomatic of desperate political disease, if I had not evidence of treasonable action which concurs with the debate. It is positively known that since the presidential election, and during the march of General Sherman through Georgia, Jefferson Davis instructed his two confidential emissaries in Canada, Jacob Thompson and Clement C. Clay, that one of them must go at once to Europe and sound the British and French governments to ascertain whether one or both of them would afford material aid to the insurgents, upon the condition that slavery should be abolished. Thompson assents; Clay dissents, and denounces the proposition. At the date of our last advices neither had embarked. I communicate this information confidentially, to avoid compromising our informant. It is probable that Davis adopts this proceeding in expectation of a refusal, which he would use to counteract political combinations at home.

However, it is barely possible that he may be serious in making the overture. In either view it deserves your attention. Can you communicate the substance of this despatch confidentially to Mr. Bigelow?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1227.] DEPARTMENT OF STATE,
Washington, January 10, 1865.

SIR: Great destruction of rebel communications has been accomplished by General Grierson in Mississippi, and the insurgents have suffered severe loss by the burning of their storehouses at Charlotte, North Carolina. With these exceptions, no important military movements have been made during the past week. Congress resumed its labors on the 6th instant. The debates are temperate, as the measures discussed are grave.

It is a circumstance of much significance that the legislature of Kentucky is earnestly debating the subject of slavery. The parties divided between the policy of immediate abolition and that of gradual emancipation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1228.] DEPARTMENT OF STATE,
Washington, January 10, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 22d of December, No. 841, together with a copy of a letter addressed to you by the United States consul at Pernambuco, relative to arrival at Bahia of the pirate Shenandoah, formerly the Sea King.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1229.] DEPARTMENT OF STATE,
Washington, January 10, 1865.

SIR: You will please make due and grateful acknowledgments on the part of the President of the United States to his friends in Merthyr Tydfil, in Wales, for their generous and humane letter of congratulation upon the results of the late national election; and you will at the same time assure them of the best wishes of the President for their individual happiness and the peace and prosperity of the British nation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Letter above refered to.]

DECEMBER 8, 1864.

RESPECTED SIR: In conveying to you our congratulations on your re-election to the important dignity of chief magistrate of America, we do so with the utmost sincerity and of heartfelt emotion, in witnessing your success.

The solemn and deliberate verdict given by the people of America in this great crisis is, to us, the most convincing proof that your conduct during your tenure of office has met with their hearty approval, and that the measures enacted by your government have been wholly in accordance with their wishes.

This unmistakable record of their free and unbiased opinion we consider to be pregnant with the most important results, and a lesson worthy of consideration to the other nations of the civilized world.

With a frightful and desolating civil war raging in every direction, with party spirit rampant in all its worst moods, with households rent in twain, father against son and brother against brother, yet have the people pronounced their judgment without shrinking from future consequences, and by the efficient agency of the ballot-box, as Professor Smith has stated, the national decision has been pronounced with majestic calmness under circumstances the most perilous and exciting.

The friends of freedom may well take heart and rejoice that popular representative government can pass through so fiery an ordeal, and come out of it stronger and more purified for future action.

As Welchmen we feel proud that so many of our countrymen, who have made America the country of their adoption, have responded so voluntarily to the call made upon them, and that they have fought and died so nobly in defence of what we deem the great principles of freedom.

We regard your triumphant re-election as the death-blow to the festering blot of slavery, so long mixed up with and so deadly in its influence upon your institutions, and we look forward with sanguine wishes, that but a short time will elapse ere this constant weapon of attack, in the hands of your enemies, will be completely destroyed.

We earnestly hope that Providence will vouchsafe to you yet many years of life, and that when the battle shall have been won, when strife shall have ceased and peace reigneth in the land, you will be able to look back upon the mighty struggle of the past with the conscientious feeling of having done your duty, and of having been the humble instrument in the accomplishment of the great work of freeing the slave, so that hereafter he may stand before his *Maker* as a *man* and a *brother*.

JOHN WILLIAMS JAMES, *Chairman*.

ABRAHAM LINCOLN,
President of the United States.

The above address was adopted at a public supper of the friends of Mr. Lincoln, at Merthyr Tydfil, Wales.

Mr. Seward to Mr. Adams.

No. 1233.] DEPARTMENT OF STATE,
Washington, January 10, 1865.

SIR: Mr. Morse, our consul at London, by a despatch of the 23d ultimo, informs me that he has furnished you with such information as he communicated in that despatch to me concerning the written orders issued by insurgents in Great Britain to some of the crew of the pirate Florida, to report for duty on another piratical vessel called the Rappahannock.

I will thank you, if you have not already done so, to present to her Majesty's government such remonstrances against these proceedings as may in your judgment be expedient.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 854] LEGATION OF THE UNITED STATES,
London, January 12, 1865.

SIR: I have to acknowledge the reception of despatches from the department, numbered 1195 and from 1197 to 1211 inclusive.

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I have the honor to transmit a copy of the London Times of the 11th instant, containing a long communication from the writer who signs himself Historicus. Thus far the British policy has had the practical effect of giving to the insurgents the privileges without entailing upon them much of the responsibilities of a belligerent. This has tempted them to encroach somewhat beyond the power of endurance. It is a little unlucky for this government that it is driven by the rebels to manifest resentment just at the moment of the most marked decline of their power. For this reason I doubt whether much earnestness can be expected in its action. It is, nevertheless, something of a symptom that the Times is willing to open its columns to so unequivocal condemnation of their proceedings. Whatever may be the effect of it on the government, it will be useful in checking the tendencies of a large class of readers of that newspaper, as well as of the provincial papers which habitually follow its lead. The chances now are that under the late blows the aristocratic sympathy with the rebels as a *righteous* cause may shrink into rather small dimensions. That which commenced in an attempt to perpetrate upon the intelligence of Europe a fraud of the most flagrant character will scarcely fail in the long run to betray its true nature through acts that defy all excuse.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of January 11, 1865.]

CONFEDERATE MENACES AGAINST NEUTRAL RIGHTS.

To the Editor of the Times:

SIR: The history of nations records every variety of attempt on the part of belligerents to break in upon those principles of public law which constitute the sole restraint on their passions and their interests. Nevertheless, I doubt if there can anywhere be found an instance in which any community pretending to the character of a civilized people has ventured upon so open a defiance of justice and of right as that which is flung down to the whole world of neutral nations in a document recently put forth by the confederate government. There is certainly nothing worse to be found even in the insane decrees of the French convention against neutral rights. This confederate paper is so incredibly insolent in its tone, and so extravagantly foolish in its pretensions, that, but for the fact that it is published "by authority" in the *Index*, (the avowed organ of the confederate government in this country,) I should certainly have taken it for granted that it had been one of those clumsy forgeries which from time to time issue from the American press. However, finding it vouched by such authority, I am bound to accept it as the genuine production of Mr. Benjamin, the confederate secretary of state, and to deal with it as such.

This astounding performance professes to be a despatch from the secretary of state at Richmond to the confederate secretary of the navy, containing instructions as to the treatment of neutral vessels by confederate cruisers. The origin of the paper is shortly this: It appears that the English Vice-Admiral Hope had called the attention of the captain of the Florida to the fact that the Martaban, a vessel with a British register and papers, had been burnt at sea by the Alabama. The vice-admiral, in a letter certainly not very happily worded, to which I shall presently revert, informed the captain of the Florida of the course he should adopt if *such acts* were repeated. It cannot be necessary to remind your readers, who are familiar

with the recent discussions in the case of the Trent, that for a belligerent forcibly to deal with and dispose of neutral property without a regular adjudication in a prize court, is one of the gravest offences which can be committed by a belligerent against a neutral nation. Neutrals are only induced to tolerate the exercise, at all times irksome, of belligerent rights by the security which the law of nations has guaranteed to them in the impartial and judicial decisions of a prize court. If this guarantee is violated, and this security is removed, there is no longer any protection for neutrals, and therefore no longer any prospect of peace. A belligerent cruiser who destroys property *prima facie* neutral without adjudication is guilty of an act which in its character is piracy, and in its result is war. Of all the doctrines of the law of nations this is the most fundamental and the least disputed.

The right of the neutral to adjudication before a competent court is an indefeasible right of which no condition of circumstances can be allowed to deprive him; and yet it is this law which the confederate government have publicly announced that they intend to violate and set at naught. It is one thing for a government to be committed by the rash and inconsiderate acts of its military or naval officers; the mischief thus created is sometimes difficult enough to repair; but it is another and much more serious thing when offences of this kind are the result of instructions authoritatively issued by the government itself; and it is to the latter category that the threatened outrages on neutral rights by the confederate cruisers unhappily belong. In dealing with the federal complaints against Great Britain on account of the acknowledgment of the belligerency of the south I have on former occasions pointed out that the fact of the confederate government possessing no ports into which it could carry its prizes for condemnation afforded no ground for refusing to it the rights of a maritime belligerent. I have further remarked that the consequence of this situation of the south was one which no doubt gave to the north the benefit of its maritime superiority, for the south, having no ports, could make no captures upon neutral property, which can only be dealt with by the adjudication of a prize court. This is what the north gains and the south loses by the maritime inferiority of the latter. But it should seem that, while the north are dissatisfied with the advantage which the law of nations thus allots to them, the south are resolved not to endure the loss which the same law imposes upon them. They, unfortunately for themselves, are too weak to command a port into which they can conduct their prizes for adjudication, and therefore they propose to get rid of the difficulty by the simple method of declaring that they intend to dispense with adjudication altogether. That is to say, if it is difficult or inconvenient for you to carry a man presumably innocent to a place where he can be tried, you may lawfully hang him at once without any trial at all. This is the doctrine which the new candidate for a place among the society of nations proposes to introduce into the code of public law.

The pretext by which the confederate secretary pretends to justify these monstrous instructions is as ill-founded as the course of conduct they prescribe is indefensible. He makes a grievance of the fact that the neutral powers have prohibited either belligerent from bringing their prizes into the neutral harbors for the purpose of condemnation and sale. Now, there is no right more clearly declared by all writers to be inherent in a neutral government than that of the prohibiting the introduction of prizes for sale into its ports. Some of the best writers hold, indeed, that such a prohibition is an essential duty of neutrality, but none deny that such a course is permissible and proper. England and France have both adopted this rule in the present war. And, as far as I know, the same course has been pursued by all other civilized nations, otherwise the confederates would exercise in the ports of such nations as permitted them the privileges which they complain are denied to them elsewhere. But if to deny the entry of prizes into its ports is—as it unquestionably is—the right of a neutral government, then such a government is not to be told that because it thinks fit to exercise one right it shall therefore be deprived of another. It is no answer to the inalienable right which a neutral has to have captures made upon it adjudicated in a prize court that the captor is unable to find a port into which to carry the prize for adjudication. The only consequence of such a state of things is that the captor must abstain from neutral captures which he is unable legitimately to effect. On this point if any authority on such a subject were wanting that of Lord Stowell is expressed:

"When it is doubtful whether the capture is enemy's property, and it is impossible to bring it in, the safe and proper course is to dismiss. *When it is neutral, the act of destruction cannot be justified by the gravest importance of such an act to the captor's own state.*"—The Felicity, 2 *Dods.*, p. 386.

If these doctrines had been mere speculative menaces we might have been disposed to disregard them as a part of that idle rhodomontade to which the American politician is so incurably prone; but unfortunately in this case they have taken the very practical and dangerous form of a "minute of instructions" to the confederate naval officers, introduced by the following solemn paragraph in the secretary of state's despatch:

"The purpose of the President in requesting that the papers should be referred to this department was to obtain for the guidance of the naval officers in command of our cruisers such further and fuller instructions for the discharge of their duties as the experience of the war has shown to be necessary. These instructions I have now the honor to forward to you for transmission to your subordidates.

MINUTE OF INSTRUCTIONS.

"The cases which occur for decision by our cruisers may be classified as follows."

The following are the classes in which neutral rights are involved:

"B. A vessel under enemy's flag with cargo wholly or in part belonging to neutrals.

"C. A vessel really neutral with cargo wholly or in part belonging to the enemy.

"D. A vessel ostensibly neutral, but really hostile, fraudulently placed under a neutral flag and furnished with fraudulent papers as a cover to protect her from capture."

Let us see how Mr. Benjamin instructs the confederate cruisers to deal with these several cases. Beginning with class B, he says:

"B. A vessel under enemy's flag with cargo wholly or in part belonging to neutrals.

"Under ordinary circumstances this case would present no embarrassment. The captured would be taken into a port of the captors, or of a neutral country; the portion of the cargo belonging to the neutrals would be delivered to the owners, and the vessel, with such portion of the cargo as belonged to the enemy, would be condemned as prize.

"The action of neutral governments has placed serious obstacles in the way of doing justice to their own people. They have closed their ports to the admission of captured vessels, and have thus rendered it impossible to make delivery in their own ports of the property of their own subjects found on board of the vessels of our enemies, while it would be exposing those vessels to almost certain recapture to attempt to bring them into our ports; for the captured vessels are almost invariably sailing vessels, and the enemy's cruisers off our ports are steamers."

Now, there is nothing more certain than that neutral property not contraband on board an enemy's ship is not liable to belligerent capture. Wheaton expresses himself on this point with his usual precision:

"The exemption of neutral property from capture has no other exceptions than those arising from the carrying of contraband, breach of blockade, and other analogous cases where the conduct of the neutral gives to the belligerent a right to treat his property as enemy's property. The neutral flag constitutes no protection to an enemy's property, and *the belligerent communicates no hostile character to neutral property.*"

It being, then, the undoubted and unquestionable rule of law that neutral property on board an enemy's vessel is a thing with which a belligerent has no right to meddle or dispose of, let us see how Mr. Benjamin proposes to deal with it. The "instructions" thus proceed:

"If, for instance, Great Britain will not permit a captured enemy's vessel to be carried into one of her ports for the purpose of their delivering to a British subject his goods found on board, she would certainly have no just ground of complaint that the goods were not restored to their owner. If, therefore, on the renewed representations we are about to make, we find neutral nations persist in refusing to receive the property of their subjects in their own ports when captured by us on enemy's vessels, it will become necessary to instruct our cruisers to destroy such property whenever they are unable to bring the prize into our ports."

That is to say, in case Great Britain should not, at the orders of the confederate government, reverse the policy which, in common with all the nations of Europe, it has adopted, and allow her ports to be made a market for prizes, then the confederate cruisers will seize, burn, and destroy British property, over which they have no more right than they have over the coffers of the Bank of England, without process of law or color of justice. This is what Mr. Benjamin means to do to us unless we mend our ways; but he intends, it seems, to give us a short space for repentance, and "in the mean time" he will be content with an instalment of injustice, for he proceeds:

"The commanders of our national cruisers should be instructed to continue their former practice of allowing the enemy to ransom his vessel in cases where the neutral property on board is of large value or bears any considerable proportion to that of the enemy; *but if a ransom bond is refused, or if the proportion of neutral property on board is small compared with the value of the vessel and hostile cargo, the whole should be destroyed whenever the prize cannot be brought into a port of our own or of a neutral country.*"

That is to say, the question whether neutrals should or should not be wholly dispossessed of their own property, over which the captor has no right, is to depend upon whether the belligerent captain in whose vessel it is freighted chooses or not to ransom the ship, and on the proportions which the neutral bears to the belligerent cargo. Was so outrageous a scheme ever so coolly propounded? The logic of Mr. Benjamin comes simply to this: "Because you don't choose to ask me to dinner I will rob your orchard."

A man who deals in this fashion with property over which he can have no possible right is not likely to be much more scrupulous in cases where, if he pursued the proper course, he might be entitled to capture. Accordingly, we find that Mr. Benjamin treats the second head of neutral rights in an equally summary and lawless manner. The instructions under class C are as follows:

"C. A vessel really neutral, with cargo wholly or in part belonging to the enemy."

After an empty flourish about the right of the confederacy to seize enemy's goods on board

neutral vessels, in spite of the declaration of Paris, which right, however, the confederate secretary discreetly announces his intention to waive, he thus proceeds:

"The cruisers of the confederacy will therefore allow vessels of neutrals to pass free, unless laden with contraband of war destined for the enemy's ports. When such vessels are found to be laden with goods contraband of war, the contraband goods, if not the property of the owner of the vessel, are to be taken out, if practicable, and transshipped or destroyed, and she is to be allowed to continue her voyage. But if the owner of the vessel has put on board contraband goods belonging to himself, destined for the enemy's country, he thereby forfeits the neutral character, and the ship is to be considered an enemy's vessel, and to be dealt with as such. No conflict with neutral powers on this subject is to be apprehended, as they have, with entire unanimity, issued proclamations forbidding their subjects during the present war from engaging in contraband trade, under penalty of forfeiture of national protection."

That is to say, the question of the contraband character of the goods, and the consequent confiscation of the goods, and even, under certain circumstances, of the vessel itself, is to withdraw from the cognizance of the court to whom the law of nations has remitted it, and is to be adjudicated upon the spot, at the discretion and on the responsibility of the captain.

This is what Captain Wilkes pretended to do in the case of the Trent, and we all know how the English government dealt with his decision, though re-enforced by personal study of Kent and Wheaton. Mr. Benjamin was never more mistaken in his life than when he supposes that "no conflict with the neutral powers on this subject need be apprehended. It is perfectly true that the neutral powers have notified to their subjects that they will not be protected in a contraband trade: but in order that trade should lose its rights to the protection of the sovereign it is necessary that its contraband character should be established in the only legitimate manner—*i. e.*, by the sentence of a prize court.

The confederate government may rest well assured that England will no more trust the decision of such questions to the learning of Captain Semmes than to that of Captain Wilkes. The forcible destruction of neutral property without adjudication is a national insult, which will meet with the most prompt and exemplary chastisement.

The next head of the confederate secretary's instructions is, if possible, more preposterous and outrageous:

"D. A vessel ostensibly neutral, but really hostile, fraudulently placed under neutral flag and furnished with fraudulent papers to protect her from capture:

"The embarrassment in actual practice may be considered as occurring almost exclusively in cases where an enemy's vessel has been, since the commencement of the present war, transferred to neutrals. The law of nations on the subject of the right of a belligerent to make legal sale to neutrals *flagrante bello* is not settled by universal concurrence.

"Our cruisers ought, therefore, to be instructed that where a vessel of the United States has been sold in good faith to a neutral since the commencement of the war, and where the title is so absolutely transferred as to divest the enemy of any future interest in the vessel, she is free from capture. If, however, any enemy's interest in the vessel remain, if she be mortgaged or hypothecated to the enemy, she is as much liable to be dealt with as a hostile vessel as though no transfer to the neutral had been made.

"It frequently occurs, however, that a belligerent makes simulated sales of vessels to neutrals with the view of protecting them from capture, and, under ordinary circumstances, when the other belligerent has reason to suspect the good faith of the transfer, the suspected vessel is brought into court for adjudication by the admiralty.

"This course is not open to our cruisers for the reasons above explained, and the only instructions, therefore, practically applicable, under the circumstances, are the following:

"The captor should in every case make rigid examination of the papers and documents of every vessel sailing under a neutral flag known to have belonged to the enemy at the commencement of the war.

"He should take into consideration the nature of the trade in which the vessel is engaged, the national character of the master, the papers found on board, the place at which the alleged sale to the neutral took effect by delivery of the vessel, and *every other circumstance tending to establish the true nature of the transfer, and to satisfy his mind whether the vessel be really neutral or merely disguised as such.*

"If the captured vessel has double sets of papers, or if papers have been destroyed or subducted by her master during the chase, or if she has continued in the same course of trade and under the same master since the alleged sale to the neutral, it may be safely concluded that the property is still hostile and covered by fraudulent use of neutral flag.

"*In these and all other cases, when there is great and decided preponderance of evidence to show that the vessel is really enemy's property, the cruiser must act on his conviction and treat her as such, leaving to his government the responsibility of satisfying any neutral claim for her value.*

"But whenever the evidence leaves serious doubt as to the true character of the transfer, it will be proper rather to dismiss the vessel if she cannot be brought into port, than to exercise a harsh and doubtful belligerent right."

Every one in the slightest degree conversant with the literature of prize courts must be aware that the questions here referred to lie *inter apices juris*. The extent of interest which

a belligerent may retain in a vessel ostensibly transferred, the facts which justly lead to the conclusion that an apparent sale is not *bona fide*—these and all the cognate questions are matters of the nicest and most complicated kind, which require for their just solution the patient and impartial application of judicial analysis of the highest order. And these are the questions which Mr. Benjamin proposes to leave to the instant decision of the confederate captain, who is to "act on his conviction," and to release or burn the ship, according as he may "satisfy his mind" on the subject. Just conceive a captain of a cruiser like the Alabama or the Florida with a rich prize just captured after an exciting chase, descending into his cabin to consider whether "any enemy's interest in the vessel remains," whether she is really "mortgaged or hypothecated," or whether the title is so "absolutely transferred as to divest the enemy of any future interest;" and then, having "satisfied his mind" that there is "great and decided preponderance of evidence" against the ship, proceeding "to act on his conviction," and to burn the vessel and destroy at once the property and the means of proving its innocence. Does the confederate government really believe that any neutral government in the world would tolerate such conduct for an instant?

The confederate secretary seems to imagine that in case of any unfortunate error on the part of the cruiser acting under these instructions, it will be easy enough for his government to "satisfy any neutral claims for the value." In the first place, as Sheridan said, "I don't like the security." But, besides, I will venture to tell the confederate secretary of state that he is very much mistaken if he supposes his instructions can be so easily atoned for. When an unauthorized officer like Captain Wilkes committed an outrage which his government is in a position to disavow, the affair may be readily accommodated by an apology and by restitution. But when the act is one by anticipation, deliberately authorized by the government itself, there is no room for apology or compensation. A man cannot be permitted to enter on a system of lawless plunder simply on the footing of paying the cost. Against such conduct there are more stringent and effective remedies. It is lucky for the confederate government that these insane "instructions" have been issued at a moment when they have no vessel afloat which could inflict upon its government the disaster of obeying them. But if ever the confederate government could get a fleet upon the high seas, I think I could promise Mr. Benjamin that they would not sail many weeks under such instructions. The confederate secretary complains of the English vice-admiral for having written that "He had issued the following instructions to the officers under his command: To capture and send to England for adjudication in the admiralty court every vessel by which a British vessel (*i. e.*, with legal British papers) is burnt at sea." Admiral Hope made a mistake, it is true, (as sea captains who quote Lord Stowell are not unlikely to do,) in supposing that this was a case for "adjudication in the admiralty court." But substantially he was right in instructing the officers under his command to seize all vessels acting upon such principles as those laid down in Mr. Benjamin's instructions for such conduct is a just cause of reprisal, and, if necessary, of war. The only proper answer to such a code of instruction is to confiscate, or, if need be, to send to the bottom every vessel that should attempt to execute them.

I cannot leave this "minute of instructions" without quoting as a *bonne bouche* its closing passage:

"If the British government has, in the interests of its own subjects, become sensible of the impropriety and impolicy of shutting its ports to the introduction of prizes made by our vessels, in all cases in which British claimants assert title to vessel or cargo, the instructions will be given to our cruisers to take into British ports all such vessels, there to remain until our admiralty courts have exercised their rightful exclusive jurisdiction over the prize questions involving such captures."

The calm and self-complacent impertinence of this paragraph I think it would be difficult to surpass. If England "sees the impropriety" of doing that which all the rest of the world has likewise thought it proper to do, and recognizes the "impolicy" of not allowing its ports to be made an *officina* in which the acts of war may be finally consummated by the condemnation and sale of prizes, then, but not till then, the great and magnanimous Confederate States of America will consent to give to the unfortunate Great Britian that protection in the jurisdiction of a prize court which the law of nations has ordained.

It is difficult to comprehend what can be the intention of the confederate government in promulgating such a document at such a moment. On the part of a great maritime power such conduct would be odious; in that of a belligerent which has not a cruiser afloat it hardly, perhaps, passes the point of being ridiculous. I do not desire to be hard upon the confederate government. Even those who least approve the objects for which they are fighting willingly accord to them the sympathy which belongs to gallantry and to misfortune. But this last proceeding of theirs would make one suppose that, reeling under the blows of repeated disaster, they had at last taken leave at once of reason and of hope, and given themselves up to the desperation of folly. I know not whether these instructions have come under the notice of her Majesty's government. It is impossible that such a document can be passed over in silence. The principal desire of every reasonable man in the country is, that under no circumstances should England be involved on either side in this dreadful contest. Nevertheless, as was sufficiently apparent in the affair of the Trent, there are limits which may not be passed. The confederate government must know perfectly well what would have been the result if the federal government had thought fit to adhere to the act of Captain Wilkes. And yet, what

is the meaning of these instructions but to order every captain in their fleet, if they had a fleet, to imitate the acts of Captain Wilkes. To suppose that such things could pass with impunity would be to abuse the privileges of weakness. This document is either an idle menace, or, if intended to be put in practice, it is the authority for conduct which can have no result but war, and I would venture most sincerely to recommend them at the earliest moment to recall a paper which, as long as it remains on record, will be a standing disgrace to them in the eyes of the civilized world.

There is another point of view in which this matter deserves to be regarded. Some persons in this country seem to occupy themselves in defeating the salutary law of the land which forbids the equipment of vessels of war for the belligerents within the realm. The confederate cruisers, so far as they have had any cruisers, have all, or nearly all, issued from English ports. Perhaps the consideration that any vessels which shall in future reach a similar destination will cruise against English commerce under orders nothing short of piratical, may act as a stronger motive to induce English merchants and ship-builders to abstain from attempts to violate and elude the law. It certainly would be a strange example of an "engineer hoist by his own petard," if Liverpool merchantmen were to be seen burning on the high seas by the act of cruisers sent out from Liverpool to execute the "instructions" of Mr. Benjamin. Whatever else these "instructions" may accomplish, I hope at least they will secure that no confederate cruiser shall ever again hail from an English port.

HISTORICUS.

TEMPLE, *January* 5.

Mr. Adams to Mr. Seward.

No. 855.] LEGATION OF THE UNITED STATES,
London, January 13, 1865.

SIR: I have the honor to transmit an address to the President, from the committee of the British and Foreign Anti-slavery Society, which has been sent to me by their secretary.

I do not in any of these cases venture to assume any authority to judge of the propriety of the sentiments expressed, provided I am convinced that the spirit is friendly and the action taken in good faith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Chamerorzow to President Lincoln.

27 NEW BROAD STREET, E. C.,
London, January 12, 1865.

SIR: I am instructed by the committee of the British and Foreign Anti-slavery Society to forward to you an address on the occasion of your re-election to the presidency, passed on the 2d December last by the committee at their general monthly meeting, and unanimously adopted and confirmed at their next general monthly meeting held on the 6th current.

I am, sir, yours most respectfully,

L. A. CHAMERORZOW, *Secretary.*

ABRAHAM LINCOLN,
President of the United States.

ADDRESS.

To Abraham Lincoln, President of the United States:

SIR: The committee of the British and Foreign Anti-slavery Society beg to congratulate you upon your re-election to the high and responsible office of President of the United States. Were this result of the recent national vote simply an ordinary political event, indicating mere party preponderance, the committee would consider themselves precluded from thus referring to it; but inasmuch as in relation to the abolition of slavery, as enunciated by the Baltimore convention, and accepted by yourself, it is the emphatic indorsement by the people at large of a principle and of a policy, the triumph of which is also a triumph of justice and humanity, they consider they may with propriety address you on this auspicious occasion.

The committee have never ceased to deplore the dreadful calamity of the civil war, so demoralizing in its influences, which has rendered so many American homes desolate and plunged the nation into mourning, and would sincerely rejoice at the speedy termination of this fratricidal and most lamentable contest. They ardently desire that a way may soon be opened for the restoration of peace upon the firm basis of freedom and complete equality to all, irrespective of color or of race, over whom you have again, in the order of Providence, been called to rule.

The committee have deeply sympathized with you in the exceedingly difficult position in which you have been placed during the past four years, in dealing with the perplexing question of slavery, for the maintenance, consolidation, and extension of which wicked and hateful institution the south rebelled and rushed headlong into civil war.

The committee rejoice at the various measures which have been proposed and at the several enactments which have been carried by the administration under your presidency, having for their object the extinction of slavery throughout the whole of the States of the American Union, and sincerely trust that your re-election may encourage the Senate and the Congress to prosecute to a happy consummation the noble work so well commenced.

While, however, the committee acknowledge with extreme satisfaction the progress which has already been made towards the emancipation of the slaves, they feel much anxiety respecting the future status of the freedmen. With assured adequate majorities in the legislature, it is to be hoped that equal rights and privileges, such as are enjoyed by other citizens of the United States, may at once be accorded to the emancipated. An additional incentive to self-exertion would thus be given to the free colored population; the fear of the substitution of future serfdom for one of actual slavery could then no longer excite the distrust of the freed, and the institution of slavery itself would receive an additional and, probably, its exterminating blow. It is obvious that any ambiguity respecting the future social and political position of the freed as a class must be calculated to discourage them from exertion, to impede their progress, prolong the degradation of their race, and thereby the duration of slavery in other lands.

The committee trust that they are not mistaken in the conjecture that the unanimous acceptance by so large a majority of the people of the anti-slavery policy laid down at the Baltimore convention foreshadows the adoption of legislation in accordance with these views. They would respectfully submit that to emancipate a class from physical slavery, yet to deny it any of the rights and privileges enjoyed by other citizens, is to create a caste; to foster and stimulate prejudice against color; is a practical assertion of the inferiority of the emancipated race, and is calculated greatly to strengthen the policy of those who are fighting for the maintenance of slavery, while it may appear to leave the federal government open to the imputation of insincerity.

In offering you this address of congratulation on the occasion of your re-election, the committee believe they are also giving expression to the sentiments of the great majority of their fellow-countrymen. They devoutly hope that the national troubles may soon terminate, and that He, "through whom kings reign and princes decree justice," may sustain you in the discharge of your great and arduous duties, and guide your counsels to found, in righteousness, an enduring peace.

On behalf of the committee:

SAMUEL GURNEY, *President.*
ROBERT ALSOP, *Chairman of Committee.*
L. A. CHAMERORZOW, *Secretary.*

Mr. Seward to Mr. Adams.

No. 1236.] DEPARTMENT OF STATE,
Washington, January 16, 1865.

SIR: With sincere sadness and sorrow I inform you of the death of Edward Everett. His earnest and well-directed labors in support of the government during the civil war has won for him the unanimous confidence and affection of the American people.

We learn through Richmond that Rear-Admiral Porter's fleet was again before Wilmington, and that the land forces had effected a landing on Friday last, the 13th instant. The weather was fine; the insurgents claimed to be prepared for successful defence. Major General Butler has been relieved of his command, at the suggestion of the Lieutenant General. The recent failure at Wilmington is under investigation in Congress. Major General Sherman is understood to have resumed his march, but its direction is not yet revealed. Henry S. Foote, formerly United States senator from Mississippi, and recently a member of the in-

urgent conclave at Richmond, was arrested on the 12th instant, on the bank of the Occoquan, on his way to this city; he yet remains in military custody. Jefferson Davis disclaims responsibility for the arrest. The reported agitation of the question of submission to the Union, in Georgia, is believed to be true, although not to the full extent claimed for it in the press.

A constitutional convention in Tennessee submitted to the people the constitutional question of abolishing slavery. The convention in Missouri has definitively abolished slavery in that State.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1237.] DEPARTMENT OF STATE,
Washington, January 16, 1865.

SIR: Your despatch of the 30th of December, No. 846, has been received.

I am happy in being authorized to approve of the expressions you have made to Earl Russell in relation to Lord Lyons. We earnestly hope for his restoration to health and usefulness.

The representations you have made to Earl Russell, concerning the difficulties which have occurred in Canada, are approved by the President.

The situation in this respect exhibits the same general features as when I last described it in this correspondence.

No new aggressions have been committed. Some popular impatience was manifest on the occasion of the revocation of that part of the order of Major General Dix, which authorized continued pursuit of invaders into British territories; but that impatience subsided immediately, when the order which requires travellers coming into the United States to exhibit passports was promulgated. That order has now gone into full effect on the borders with very beneficial results. The public mind in this country has resumed its habitual tone of calmness and self-reliance.

Each house of Congress has, with practical unanimity, resolved that the President ought to give the stipulated notice for terminating the reciprocity treaty, and this proceeding meets the public approval. When the action of Congress shall have been completed, the bill will be sent to you.

On the British side of the border there is manifested a strong popular desire to restore the cordiality which has been so unfortunately subverted. The governor general of Canada and the colonial ministry are earnest and emphatic in their avowals of the same disposition. Measures have been taken to establish an armed police on the British side of the border. One of the Philo Parsons pirates has beeen arrested upon our requisition, and subjected to an examination at Toronto. Several of the escaped St. Albans felons have been rearrested and brought before Judge Smith, at Montreal, who has reconsidered and reversed the decision of Coursall. It is regretted, however, that international justice wavers at this point, just as it staggered there on the occasion of the first arrest of the St. Albans offenders. No one proposes—no one seems to think of restoring the money which was purloined from the citizens of St. Albans, and placed in the hands of the provincial police, subject to the order of the British courts. The magistrate at Toronto has taken time to consider the claim of Burleigh, the Philo Parsons pirate, to a discharge upon the pretence that he is a belligerent. Judge Smith has adjourned the case of the St. Albans offenders thirty days, to enable them to arm themselves with a similar mock defence. At the same time

no warrant has been issued against the offenders for violation of British laws, or resistance of the Queen's proclamation. We are thus left to expect that they will be discharged and set at liberty, to renew their depredations upon a broader scale, and with new accomplices, attracted by assured impunity within British jurisdiction. We are, indeed, promised special legislation in the provincial legislature, which is soon to be convened at Quebec. But, on the other hand, the rebel agents and emissaries are with their friends enjoying undisguised honors, favors, and sympathies in the provinces.

Seven new piratical vessels, all of which were practically fitted out, armed and manned within the British island, in violation of British laws, are roaming the ocean, destroying American commerce, and there regularly receive supplies of provisions and munitions from British territory. The only remedy that her Majesty's government is understood to have resorted to in the case of these vessels is a civil prosecution against one person who was engaged in the unlawful proceeding of arming and despatching the Sea King. We know not when that offender will be brought to trial. Even his conviction will be without fruits, if his punishment, measured by the standard hitherto used by British courts, shall be limited to a fine of one hundred and fifty pounds for the accomplished transaction.

It thus clearly appears that the British government substantially fails to guarantee the neutrality it proclaims, and that the United States are severely suffering from this failure. Her own law writers and precedents instruct us that in such a case the aggrieved nation has an absolute right of reprisal. Nevertheless, we have refrained, and at present we shall refrain, from every form of retaliation in this, as we have in all other cases of national injury. This attitude, however, leaves to us no remedies but those with which, happily, our people are familiar, namely, lawful measures of self-defence. We are drawing rapidly upon that magazine. We feel sure that it is not for the interest of either nation that it shall be ineffectually exhausted. You will see that Congress is considering the expediency of putting an end to the arrangement for extradition of fugitives from justice.

Of all the nations, Great Britain seems to us the last that could justly or wisely become, directly or indirectly, an opponent of the United States in a civil war began and waged and presisted in by insurgents for the extension of African slavery.

You will use these views according to your own discretion in your discussion with Earl Russell on the subject to which they relate. It is thought expedient that you address a special representation to her Britannic Majesty's government concerning the Shenandoah or Sea King.

I annex copy of a despatch of the 14th instant from Mr. Potter, our consul general at Montreal.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

OFFICE UNITED STATES MILITARY TELEGRAPH.
War Department.

The following telegram received at Washington 8. 20 p. m., January 14, 1865, from Montreal, January 14, 1865:

The proceedings against St. Albans felons were adjourned thirty (30) days to allow them to send to Richmond for evidence that they were acting under the authority of Jeff. Davis. I sent full despatch per mail on the 8th.

JOHN F. POTTER.

Mr. Seward to Mr. Adams.

No. 1238.] DEPARTMENT OF STATE,
Washington, January 16, 1865.

SIR: You are authorized to assure the Oldham Auxiliary Union and Emancipation Society that the President has received with profound sensibility their address of congratulation upon the result of the late election, and that he sincerely sympathizes with them in their devotion to the cause of free government, civilization and progress throughout the world.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1241.] DEPARTMENT OF STATE,
Washington, January 18, 1865.

SIR: I transmit herewith, authenticated under the seal of this department, a copy of a joint resolution of the Congress of the United States approved on this date, in regard to the termination of the treaty concluded between the United States and her Britannic Majesty on the 5th of June, 1854, commonly known as the reciprocity treaty. The President directs me, in compliance with the 5th article of that instrument, and with the requirement of the aforenamed resolution, to instruct you to communicate to her Majesty's government a certified copy of the enclosed papers, and formally to notify her Majesty's government, on the 17th of March next, or as soon thereafter as possible, that as it is considered to be no longer for the interest of the United States to continue the said treaty in force, it will terminate and be of no further effect at the expiration of twelve months from the date upon which the notice shall be given.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

THIRTY-EIGHTH CONGRESS, SECOND SESSION.

JOINT RESOLUTION providing for the termination of the reciprocity treaty of fifth of June, eighteen hundred and fifty-four, between the United States and Great Britain.

Whereas it is provided in the reciprocity treaty concluded at Washington, the fifth of June, eighteen hundred and fifty-four, between the United States of the one part, and the United Kingdom of Great Britain and Ireland of the other part, that this treaty "shall remain in force for ten years from the date at which it may come into operation, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same;" and whereas it appears, by a proclamation of the President of the United States, bearing date sixteenth of March, eighteen hundred and fifty-five, that the treaty came into operation on that day: and whereas, further, it is no longer for the interests of the United States to continue the same in force: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notice be given of the termination of the reciprocity treaty, according to the provision therein contained for the termination of the same; and the President of the United States is hereby charged with the communication of such notice to the government of the United Kingdom of Great Britain and Ireland.

Approved January 18, 1865.

Mr. Seward to Mr. Adams.

No. 1242.] DEPARTMENT OF STATE,
Washington, January 18, 1865.

SIR: I enclose a copy of a letter of the 3d instant from Colonel William H. Allen, containing information in regard to a plan for the seizure of American steamships plying on the Pacific coast. You will be pleased to take such steps in relation to the matter as may in your judgment be most conducive to the public interest.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Colonel Allen to Mr. Seward.

NEW YORK, *January* 3, 1865.

SIR: For some time previous to the late attempt to seize the Pacific steamers, I had reason to believe that such a plan was in contemplation; the result justified my suspicions. Since then I have followed the matter up, and now have certain information that a repetition of it will be resumed on an entirely different plan. The leading agents engaged in this matter I am personally acquainted with; I therefore deem it my duty to impart to the State and Navy Departments such facts as have come to my knowledge, with an offer of any services for the purpose of counteracting the plans the parties have in view.

The plan of action now is to seize the ships by the aid of a swift but small iron steamer, armed with one gun. She will be concealed in some of the many bays and inlets abounding on the coast from the Gulf of Fonseca to San José, on the lower end of Costa Rica. Two of those vessels are now on the way, or have arrived at St. Thomas from England, in pieces. They will be put together there, or at Georgetown, Demerara, run down the coast around the Horn, intending ostensibly to ply around the Chincha islands; the officers and prize-crew will sail from this port to Havana, reporting there to Charles Helm; thence to St. Thomas, where a person named Andrews manages affairs, or did the last time. At the proper time they will proceed to San Juan, Nicaragua, where they will be taken in charge by Thomas J. Martin, late mayor of that place, who will forward them up the river, across the lake, on through Costa Rica, to the coast, there to meet the vessels and sally out at the proper time.

Helm I have known since the Mexican war; Andrews I have done business wit hMartin was in my employ while engineer on the ship canal. I am well acquainted throughout Nicaragua and Costa Rica, as also in Demerara; therefore, with the aid of an assistant and the coast natives, it would be impossible for these men to escape capture, by keeping the naval commander at Panama fully advised.

Mr. Thomas Sampson thinks as I do, that this matter is of such importance that no time should be lost in acting upon it.

Very respectfully,

WILLIAM H. ALLEN,
Late Colonel 1st and 145th Regiments N. Y. Volunteers

Hon. WILLIAM H. SEWARD,
Secretary of State

Mr. Adams to Mr. Seward.

No. 857.] LEGATION OF THE UNITED STATES,
London, January 19, 1865.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1212 to 1221, both inclusive, and likewise No. 1196, mentioned last week as missing.

I have caused the intercepted correspondence enclosed with this last despatch to be copied and transmitted to Lord Russell, with a note, a copy of which I send herewith. I am not sure that this is the course proposed in the latter part of the despatch. It would seem rather as if the intention was to make them the base of a prosecution against Messrs. Jones and Highat on the part of the United States. This would be marking out a novel line of policy, the possible

consequences of which, in relieving the British government of its responsibility and incurring the hazard of almost certain, and possibly mortifying failure, do not appear as yet to have been quite sufficiently weighed. I cannot but hope that if such a decision has been arrived at, of which I am not altogether sure, it may at any rate be fully reconsidered before it is finally determined on. And if ultimately determined on, I beg leave to suggest the absolute necessity of sending out the lawyers necessary to see it vigorously carried forward. From my past experience in this line, I feel no assurance of any energy on the part of professional men here in prosecuting suits under the enlistment law, or of any confidence in their success, if they exerted it.

Meanwhile her Majesty's government has decided upon trying its hand on another case, which has just presented itself, of quite a peculiar character. It seems that a Peruvian corvette, called the Union, has been fitting out from this port, and the captain has been engaged in enlisting some seamen here for his service. The attention of the government officers appears to have been drawn to this by the fact that among these seamen were three who had been formerly engaged by Mr. Rumble for the service of the rebels, and whose testimony was considered as highly important in the prosecution now pending. It is now announced in the newspapers that the captain is to be tried on the charge of violating the law in enlisting men to carry on war against Spain.

In this connexion it may be as well to mention that at the time when the enlistment of the three men alluded to became known to the law officers, they at first declined to take any direct steps to retain them here, notwithstanding that they declared them essential in the prosecution of Rumble. They, however, notified Mr. Morse, the consul, of their opinion, and suggested to him an application to the Peruvian minister for their release. Mr. Morse came to me about it, and I immediately addressed a note to Mr. Barreda on the subject. That gentleman being absent, I received an answer from his secretary most promptly and handsomely placing the men at my service. I wrote him at once a letter acknowledging the obligation on behalf of my government, and promising to bring the circumstance to its notice.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Enclosure.]

Mr. Adams to Lord Russell, January 18, 1865

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 18, 1865.

MY LORD: I have the honor to submit to your consideration copies of certain letters which have fallen into the hands of the government of the United States. They are offered in the nature of cumulative evidence to prove the systematical manner in which the neutrality of this kingdom has been habitually abused by insurgent emissaries sent out here expressly for that purpose. I have already dwelt so much upon this point in my previous correspondence, that I shall confine myself on this occasion simply to asking your particular notice to the terms of the letters of James D. Bullock, well understood to be the chief agent in transactions of this kind, in their connexion with the proceedings of Messrs. Jones, Highat, &c., and particularly of Mr. Bold, all of them believed to be subjects of her Majesty, and, therefore, bound to be neutral in the present difficulties.

I hope in a few days to have it in my power to furnish conclusive proof that the practices referred to in these letters dated last year are yet carried on with as much activity as ever.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

[Enclosures.]

1. J. N. Barney to Captain Morris, February 5, 1864.
2. Captain Bullock to Captain Morris, January 14, 1864.
3. A. Norur & Co. to Captain Morris, January 15, 1864.
4. A. Norur & Co. to Captain Morris, January 18, 1864.
5. F. Senac to R. Taylor, September 18, 1863.
6. Account with seamen for the Florida.
7. Fraser, Trenholm & Co. to J. N. Barney, September 22, 1863.

(The above enclosures are published with Mr. Seward's despatch No. 1196.)

Mr. Seward to Mr. Adams.

No. 1245.] DEPARTMENT OF STATE,
Washington, January 23, 1865.

SIR: It was my belief, when the election closed, that the national determination which it manifested would tend to demoralize the insurgents, and if not to confound, at least to embarrass their abettors abroad. I thought that the decisive tone of the President's message would be effective in the same way. I have been unable to believe that insurgent confidence, either at home or abroad, could revive under the severe pressure of the national arms. Nevertheless, we have ever since the election had occasional revelations here and in Europe of insurgent expectations of recognition by Great Britain and France. These revelations have sometimes come in the shape of warnings from known and responsible insurgent agents, who professed to be desirous of saving their own misguided people from the infamy of foreign protection.

It has been heretofore impossible to find a clue to the premises upon which their expectations were based. I think I have now found it in an article of the Richmond Sentinel of the 18th of January, a copy of which I enclose. The idea of the insurgents seems to be this: That insomuch as the rebels are prevented the exercise of suffrage in the insurgent States in the late presidential election, therefore this government in the next administration will not be *de jure*, a government over these States, which by the treaty of peace of 1783 were acknowledged to be free, independent, sovereign States. The conceit is a refinement of the secession principle, which the war has already effectually exploded. Still I have thought it not inexpedient to bring the subject to your notice. While I do not attribute any serious importance to it, it may be worth your while to be watchful.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same to Mr. Bigelow.)

[Editorial from the Richmond Sentinel, January 18.]

FOREIGN RELATIONS OF THE CONFEDERACY.

The nations of western Europe have just put themselves and us to many disadvantages by their failure to recognize the confederate government, and institute with us diplomatic relations. A state of war invests with a peculiar delicacy the relations of a belligerent with a mutual power. It requires much care and address to adjust satisfactorily the many questions which arise between them; especially is this the case while there is much conflict of interests, such as an extensive intercourse necessarily produces. To all these hazards and inconveniences to them and to us France and England have submitted for four years without the ameliorations which a diplomatic interchange would have afforded. They have denied themselves and us the means of asking or giving explanation, and of making representation closely affecting in many cases the interests of citizens entitled to protection, or, in a more general sense, the rights and duties of the respective governments.

The great convenience of the policy long recognized in America, of acknowledging a *de*

facto government without delay, has been strikingly illustrated by the effect of the different principles which France and England have prescribed to themselves in their dealings with us. If American policy had been applied to American affairs four years of embarrassment would have been avoided. There is a prevalent presumption, however, that the reserve which has produced so much inconvenience is about to be abandoned. It is supposed by many who read the signs of the times, that France and England will not much longer deny themselves the liberty of holding interviews with a people with whom they have so much business to transact. We say nothing of the comity or the duty which they owe to an organized community so large and respectable as ours; viewing the subject simply in the light of their own interest, and of their duty to their own citizens, the shackles with which they have so long voluntarily restrained their action are truly extraordinary.

If the two governments to whom we refer have come to the resolution of terminating that deference, not to the principles but to the will of the Washington government, which wears the appearance of vassalage, they would have at any moment an abundance of solid and satisfactory measures to sustain them in such a step. But the conjecture which is assigned as the probable occasion on which the new attitude will be assumed, the next inauguration of Mr. Lincoln, is singularly propitious to such a proceeding. It will afford not merely a pretext for that action, but a new ground, sufficient of itself to justify and to require it. We will explain this by the narration of some facts which we find collected in a very convenient form in Mr. McHenry's excellent book, "The Cotton Trade."

France, on the 5th of February, 1778, acknowledged the independence of the thirteen American colonies *as so many independent States*. Even the Articles of Confederation were not then adopted. The United Netherlands followed this example October 8, 1782, and Sweden, April 3, 1783. Great Britain, in the treaty of peace, concluded September 3, 1783, recognized the several States in like manner as so many independent political communities. This recognition embraced Virginia, North Carolina, South Carolina; and Georgia, by name, and it territorially included Tennessee, Florida, and Mississippi. The remaining confederate States became possessed by their organization and admission of equal rights with the original States, and stand on the same footing. The independent nationality of Texas was recognized by France in 1839, and by Great Britain in 1840. She did not enter the Union until 1845.

In no other form has the nationality of the United States ever been acknowledged by European courts. John Adams was, in 1777, sent to represent the States in France, and was soon after succeeded by Dr. Franklin. They both received their authority from the Congress of Delegates of the several States. The Articles of Confederation were not adopted till March, 1781. Mr. Adams, under an appointment received in 1789, remained as minister to England till 1798.

The Union formed by the Articles of Confederation was dissolved March 3, 1789. The Union under the Constitution did not go into operation until April 30, 1789, and then only as between eleven States, Rhode Island and North Carolina for a time remaining aloof.

In all these changes of the agency for conducting their foreign intercourse, the States deemed no notification necessary to other governments. No recognition was asked for any such nation as the confederation of States, for there was no such created, nor for any such nation as the United States, for the same reasons. The governments established by the Articles of Confederation and by the Constitution were the mere foreign agencies of the States, the true sovereigns, whose nationality was already acknowledged. The European governments conceded to us the right to change the form of this agency whenever we pleased. The recognition of the independence of the States survived all these changes unharmed; the disbanding of the confederation in 1783, the intervening of fifty-eight days that followed, the separation of the State, which then continued for some time, Rhode Island and North Carolina remaining distinct, and the accessions to the number of States, which afterwards occurred from time to time. The ministers sent by the federal agent were received on the original acknowledgment of the nationality of the several States, and no other. No other was desired; no other was proffered; no other was thought necessary or appropriate. Let us notice some of the consequences which may be deduced from this view of the case, looking at it from a foreign stand-point, and excluding all reference to our own controversy as to the right of secession. France and England might say that Mr. Lincoln was appointed in 1860 by an election in which all the States participated; that thus he was regularly constituted the diplomatic representative of all the States for a specified term; that as such Europe recognized him as appointed, according to our own forms. After the fourth of March next he will sustain, however, a new character. He will have entered upon a term of service to which various of the States acknowledged by Europe as independent had no part in electing him. He cannot claim to have any commission from Virginia or North Carolina, or the rest of the Confederate States. He can show no authority to represent them. These latter States at once refrained, and were excluded from all share in his appointment. Of this Europe is duly notified, and it would be both an outrage and a perfidy to acknowledge as the representative of States recognized as independent an agent in whose appointment they had no share. As well might the European Maximilian assume to represent the Confederate States as the man who rules at Washington. Virginia and the rest have claimed to change their foreign agency frequently in the past, and it has been accorded. How can the right be

questioned now? Their responsibility for Lincoln's appointment as the organ for foreign intercourse has been discharged by the expiration of the term for which he was elected. In the new appointment they had no part and were allowed none, and hence it cannot be pretended that it represents them either in substance or form. We say that such views as these may well be adopted by France and England, without reference to the other merit of our cause, and we do not see how they can be overlooked, or how they can be met; and taking into consideration the duties which those governments owe to their own people, to their own dignity, to sound international principles, and to us—duties, however, which they have declined until the neglect has become a severe reproach—we think it very reasonable and very probable that they will indeed profit by the opportunity to abandon their present situation with good grace.

Mr. Seward to Mr. Adams.

No. 1246.] DEPARTMENT OF STATE,
Washington, January 24, 1865.

SIR: Fort Fisher, with its subsidiary works, fell on the 15th instant, under a combined land and naval assault. The defence was maintained by three thousand men, of whom about seven hundred were killed and the remainder were captured. The loss on our side was severe. The capture must figure in history as one of the most brilliant achievements of the war. Without knowing how far I am supported by public opinion, I confess that the hazards and losses which were actually encountered are calculated to disarm criticism upon the proceedings of Generals Butler and Weitzel in the previous expedition. It is not left doubtful that the port of Wilmington is now effectually closed against the insurgents and their European abettors. Of all our correspondents you are the last one that needs to be informed of the importance which attaches to this event. It seems to be true that since our fleet entered the Cape Fear river five blockade-running vessels unwarily followed it and were captured. Reports of the advance of General Terry towards Wilmington are too uncertain to be confidently accepted. Major General Sherman's forces have passed the Pocotaligo bridge and reached McPhersonville, in South Carolina. Indications of discontent and demoralization among the insurgents appear in their cabals and in their press. A silver dollar was sold at auction in Richmond last week for sixty-four dollars of rebel money. Negro men were sold last week at the rate of five thousand dollars in that spurious currency, the equivalent of seventy-eight dollars in gold.

A growing popular confidence in the success of the Union cause has reduced the premium upon gold in our market eighty per cent. since the presidential election. We now entertain a hope that the colonial authorities will vindicate the neutrality of the British provinces. We learn at this moment that the capricious magistrate Coursal has been removed from office by the governor general. The Canada's mails have not yet arrived, and we are without any despatches from you later than the 30th of December.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1247.] DEPARTMENT OF STATE,
Washington, January 26, 1865.

SIR: The winter has practically broken up our customary correspondence with Europe. It is only at this late day that I receive your despatch of the 5th of January, No. 850.

It is accompanied by a copy of a statement under Earl Russell's hand of the communication which was had by him with you on the subject of the difficulties which have arisen in Canada; that communication being the same one which you have already reported to me in your No. 856.

In view of that conference and of other incidents which you have mentioned, I approve fully of the forbearance you have since adopted in regard to making further representations upon the same subject.

It is freely confessed that the proceedings which her Majesty's government have taken in relation to the Canadian outrages seem to us altogether just and fair. It is to be hoped that the instructions of the home government will so strengthen the hands of the provincial authorities in Canada as to secure to us a surrender of the St. Albans and Philo Parsons felons, in compliance with our requisition, and also a restoration of the treasure which they purloined from the citizens of the United States and placed in the hands of the Canadian police.

It is with sincere satisfaction that we observe that the provincial authorities have begun to act with energy in the spirit of the instructions before mentioned.

I am charged by the President to express to you his special satisfaction with the discreet manner in which thus far you have conducted the proceedings in question. Congress will be favorably impressed by the proceedings of her Majesty's government and those of the provincial authorities. If now the issuing of piratical vessels from Liverpool could be arrested, we might hope for a speedy restoration of good feeling between the people of the two nations.

I am, sir, your obedient servant.

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 864.] LEGATION OF THE UNITED STATES,
London, January 26, 1865.

SIR: I have the honor to transmit a copy of Lord Russell's note to me of the 21st instant, in reply to one which I addressed to him just one month before, under the directions contained in your despatch, No. 1165, of the 30th of November. A copy of my note was sent with my No. 836.

It will be perceived that his lordship avoids the true point at issue in a manner not altogether unusual with him when he is not prepared to enter into the merits of a question. The facts alleged to have taken place at Bermuda on the evidence of the master of the Roanoke are not disputed.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

FOREIGN OFFICE, *January* 21, 1865.

SIR: I have had the honor to receive your letter of the 21st ultimo, protesting against the proceedings of her Majesty's colonial authorities at Bermuda in the case of the steamer Roanoke, and enclosing copies of various documents relating thereto.

These papers refer to two different complaints. The one complaint is, that persons were enlisted at Bermuda with a view to make war on a state in amity with her Majesty. The other complaint is, that certain passengers proceeding from Havana in the United States vessel Roanoke, when five hours from Havana on their voyage, rose on the captain, made themselves masters of the vessel, destroyed her, and were afterwards permitted to land on the island of Bermuda. The answer to the first complaint is, that sufficient evidence to convict the persons accused was not produced, and that, consequently, they could not be convicted. The answer to the second complaint is, that the persons arrested for a supposed

piratical act produced a commission, authorizing that act as an operation of war from the government of the so-called Confederate States, which are acknowledged by her Majesty's government to possess belligerent right.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 865.] LEGATION OF THE UNITED STATES,
London, January 26, 1865.

SIR: * * * * * * * *

If there ever was a moment when a project of the kind referred to would have been entertained by the government here, that time has long passed by. The American policy of the ministry went through the trial of last session of Parliament with such universal assent, when every other part of its foreign system was mercilessly attacked, that there is no disposition to open the matter again. Especially is this the case on account of the near approach of the dissolution. It is now understood that the coming session will not extend beyond the middle of July, immediately after which a general election will take place. It is whispered about in private circles that Lord Palmerston intends at that time to retire from his post. I do not trace the rumor to any authorized source, neither do I give it much credit. At the same time it cannot be doubted that his advanced age and growing infirmities may bring on such an event at any moment.

It is, on the other hand, a matter of some importance to us to keep in mind the fact that the probable issue of our difficulties is preparing for the higher classes connected with the opposition or conservative party a most profound disappointment. Even now they are by no means prepared to anticipate anything of the kind. In proportion as the prospect of it opens on them, will be the desire to do something in one way or another to avert the result. The new project alluded to in your despatch will for this reason be received by them with no small favor. It at once removes from their path the great obstacle which the support of a slave system presents to their advocacy of the cause before the moral and religious people of the country, and it revives their waning confidence in the physical ability of the rebels to sustain their struggle a while longer. Some attention will therefore be necessary to continue to avoid, so far as is possible, to furnish even plausible grounds for agitation against us. Whilst the course of the ministry may be depended on with tolerable confidence, it is not unlikely that advantage will be taken of any opportunity that may be afforded to harass them on particular points. It cannot be doubted that the aristocracy feel this struggle to be one that may affect very deeply the permanence of their own privileges. In this connexion I would incidentally call your attention to an article in the Quarterly Review of this month, the text of which is, "The United States as an example." The coming elections will unquestionably be more or less influenced by the precise state of our relations at the moment they take place. I would, therefore, beg permission to suggest the expediency of close observation of the course of opinion here for a few months to come, prior to the adoption of any measure on our side of the water which may by possibility be regarded as likely to affect it unfavorably. That there is yet a strong desire in certain quarters to do something cannot be doubted. Although held in complete check thus far, by the fear of possible consequences, that check will continue to operate only so long as the state of things appears *unpropitious* to indulgence in it. Any coincidence of reverses in the field, with

the chance of special causes of national offence, would furnish the coveted opportunity. So far as I am able to look forward into the future, I should say that this view embraced pretty much all the hazards we have left to encounter in this kingdom. I do not permit myself to doubt that the same wisdom which has thus far guided the policy of the President with success will be exercised in guarding us safely through to the end.

It is proper to note in this connexion that the story, originating doubtless in interested sources in Canada, of a probable recognition by this government by way of acceptance of the rebel proposition of emancipation, soon found its way into the newspapers here, and was deemed of sufficient importance to call for an immediate semi-official contradiction.

The speeches of members of Parliament to their constituents continue to be reported, even to the last moment. I notice the prevalence of a more confident tone among those who have been known as friendly to the United States. I would particularly specify those of Mr. Baxter at Blairgowrie, Mr. Leatham at Huddersfield, and Mr. Milner Gibson at Ashton-under-Lyne. On the other hand, the sympathizers with rebellion are more reticent than ever.

With regard to the great effort of Mr. Bright in answer to the conservative demonstration at Torquay, it has so powerful a bearing upon the domestic canvass of the ensuing season, that in discussing it I should be entering on a field quite too wide for the dimensions of the present despatch.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Manchester Examiner and Times of January 25, 1865, enclosed with the foregoing despatch No. 865.]

Extract from the annual address of the Rt. Hon. T. Milner Gibson, president of the Board of Trade, delivered at Ashton-under-Lyne, on Tuesday, January 24.

"It may be thought right that I should say a few words upon a question which has excited the deepest interest throughout the whole of England, and most especially in this locality—I mean the question of the American war. I was one of those, from the commencement, that never ventured to make any prophecy as to what would be the result of this great conflict. I was always astonished at the confidence with which many asserted that the Union was irrevocably gone, and that America was rent in twain; and I was surprised at the ease with which they prejudged the question, or to the power of the United States to resist this great rebellion. The southern confederacy undertook by force of arms to cut asunder the American republic, to coerce the government of the United States into an agreement that there should be established a new republic, upon new principles—namely, one of which slavery was to be the fundamental basis—(loud cheers)—or, as has been repeatedly stated, a new edifice, of which slavery should be the chief stone of the corner; and I could not, as I have stated before, feel much sympathy for such a cause. I feel, naturally, strong sympathy with nations struggling for independence—trying by sometimes even violent means to overthrow despotism and tyranny; but the case here is entirely different—[hear]—because it was the case of a number of partners in a common firm, who separated from the rest in a violent manner, for the purpose of establishing principles which I am one of those who think will never permanently reign in this world. [Cheers.] The struggle between the south and the north has really been a struggle between slavery and freedom—[hear, hear; 'no, no;' cheers and counter cheers]—and I cannot see, myself, that this confederacy has at present shown any signs of being able to establish upon permanent foundations the empire which it has shadowed forth to the world. What is the present situation? The border States, which formed at first a part of the territory claimed by the confederacy, are all gone; all the debatable territory in which it was a question whether there was an inclination to the south or to the north, is now, I believe, under the control of the government of the United States; and, in point of fact, now this great conflict seems to be sustained mainly by three States only on the eastern shore, viz: North and South Carolina and a part of Virginia. [Cheers.] I have said before that at the commencement of this war a person who had long resided in the United States said to me: 'Don't venture upon predictions; don't be a prophet in this matter: neither you nor I can tell what will be the result of this great conflict.' And, therefore, though I am merely reciting what I believe to be facts, and which I have gleaned from the information that has reached us, still I will not venture even now to make any predictions; and I am here to say that her Majesty's government are as disposed now as they

ever have been to preserve a strict and impartial neutrality between the contending parties. [Great cheering.] There are those in this country who would stir up ill feeling between England and the United States; there are those in the United States also who would stir up, no doubt, ill feeling there towards England; there are these disturbing elements in all countries; but I am sure that the government of England have no other desire than to act towards the government of the United States in—to use the words of Washington—'a spirit of exalted justice.' [Cheers.] Their desire is to cultivate with the United States friendly feelings and relations of amity; and I hope and trust, and I believe, that the government of the United States is actuated by the same just and righteous feelings towards ourselves. [Cheers.] That there may be questions to discuss between two countries situated as we have been is very possible, but I will believe that these questions will be approached in a calm and dignified spirit, and be settled not by passion, but by reason. [Cheers.] It is not to be wondered at that much irritation has existed in the United States at the depredations that have been committed by armed ships that have sailed from and been fitted out in the ports of England. It is natural, and, seeing the vast damage these cruisers that sailed from a neighboring port have done to American commerce, one must not wonder that the press of America, and that many persons in that country, have expressed themselves in strong and passionate language upon this subject, especially during the course of a civil war.

"On our side it must be remembered that the government has used all the means in its power to prevent these evasions of the law, and that there have been men in this country sufficiently unpatriotic under these circumstances to endeavor to escape from the law, and by artful management endeavor to accomplish what it was the intention of the foreign enlistment act to prevent; for it s not to be expected that patriotic Englishmen are to be willing to break the spirit of law, and are to feel satisfied if they have continued to keep within its letter, and within its technicalities. [Applause.] If you built a ship in Liverpool, and sent the arms from another port, and the crew from a third, and all the three parts of this ship-of-war met in some place out of the United Kingdom, seeing that the whole of the transaction took place by pre-arrangement in the United Kingdom, and that there was an unlawful intention guiding and pervading every part of that transaction—I say, the offence against the spirit of international law, and our own law, was as complete in that case as if the ship had sailed forth complete in all its parts from the port of Liverpool. [Cheers.] I am very sorry that these unfortunate questions should have arisen. If, when England had been at war with some foreign nation, and was succeeding in carrying on an effective blockade of the enemy's ports, there sallied forth from some neutral country cruisers to burn and destroy British merchant vessels on the high seas, I know what the feelings of the people of this country would have been. [Hear.] I know the passionate remonstrances that the government of the day would have received; and therefore I call upon every fair and just-minded man to make a fair allowance for the irritation which the conduct of these cruisers has caused among many persons in America. [Cheers.] I trust that we may see, when this war concludes, relations of permanent friendship established between the United States and England. We are natural allies; our principles are nearer to each other than the principles of any other two countries; we both ought to be in the van in the cause of liberty; and, I say, if you look to the material interests of England and the material interests of the United States, it is impossible to conceive any greater disaster in the world's history than that the relations between these two countries should be interrupted, and that intercourse so beneficial to all should be suspended by any hostile or unfriendly feeling. [Cheers.] Let us hope that we are nearer a just and righteous settlement of this great war; that the emancipation of the slaves will be one of its consequences; and that our relations and our commerce with that country may be, the one as friendly and the other as great as it has ever been. [Cheers.] These are my cordial wishes, and I am quite certain that I am also expressing the hearty wishes of every intelligent person in this great assembly.

The right honorable gentleman concluded by again intimating his readiness to answer any question that might be addressed to him respecting any topic on which it might be considered he ought to speak; and he sat down amid loud and continued applause.

"A gentleman addressed the following inquiry to Mr. Gibson: 'Assuming that the States now known as the southern confederacy abolish legal property in slaves, will you endeavor to promote the adoption of that great and brave people into the family of nations?' [Cheers, disapprobation, and cries of 'not a bit of it,' &c.]

"Mr. GIBSON. I remember the late Sir Robert Peel—a great and eminent statesman, as you all know—giving this opinion to a young friend: 'Never,' he said, 'answer a hypothetical question. [Cheers and laughter.] Never answer a question founded upon a supposition.' Well, I must, with great respect, decline to say what I would do if something else happened. [Laughter.] When the case arises, then is the time to deal with it, and decide what to do. [Cheers and prolonged laughter.]

"In reply to another question, Mr. Gibson assured the meeting it was untrue that he had ever voted on the question of the ballot, except in favor of its adoption.

"On the motion of Mr. Alfred Reyner, (whose amusing speech was, as usual, the cause of great hilarity,) seconded by Mr. Alderman Darnton, a vote of thanks to Mr. Gibson, and expressive of the confidence of his friends, was unanimously carried. The right honorable gentleman having returned thanks, proposed a similar compliment to the chairman, which was also passed, and the proceedings terminated."

[From the same.]

Extracts from the speech of Mr. Barnes, M. P., made to his constituents at Bolton, Tuesday, January 24.

"He would now come to the subject in which, perhaps, they felt a little interest; and that was the question of reform. [Applause.] There was great diversity of opinion as to the expediency of extending the franchise, and some people pointed to America as an unanswerable objection to such a course. Well, he had looked at America, and he saw nothing that said to him, 'Don't reform,' or 'Do not lower the franchise in England.' But he did see some things there which said, 'If you have any grievance set it right; beware of unremedied grievances; beware of refusing justice; beware of smouldering discontent.' [Hear, hear.] North and south had gone on making compromises with each other until the causes of discontent had burst out in a war whose desolating effects we now behold. He thought, therefore, the moral of this war was, that where grievances existed we should apply the remedy without delay. [Applause]

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"Now, he maintained that our commerce required a much larger proportion of representation, and for this reason: the present state of international maritime law, so the attorney general said, justified the destruction of property on the high seas belonging to the northern States of America by confederate cruisers. These had nearly driven the commercial navy of the United States from the seas. It might be said, 'What has this to do with us?' It was quite true that at the present day it benefited our ship-owners; but we must not expect to be at peace for ever, and when once we were at war, we should find to what advantage an enemy would turn the existing state of international maritime law against us. Our imports and exports last year amounted to £500,000,000, and without reckoning the value of the ships, all this property would be exposed to the enemy's vessels. This vast amount of property belonged to our mercantile classes, and yet they had no power to regulate the foreign policy of the country. Those who actually determined that policy had only increased taxes to pay it war broke out, but the mercantile classes were exposed to the risk of losing their property in addition. Was not this a reason why the latter should have a reform bill and a larger share in the representation of the country? [Applause.] The honorable gentleman resumed his seat amidst loud applause."

[From the same.]

Extract from the annual address of Mr. E. A. Leatham, M. C., delivered to the electors and others, at Huddersfield, Tuesday, January 24.

"Mr. LEATHAM concluded with some observations on the American war, upon which subject his sentiments had not changed. He regarded the victories of Sherman as a ratification of the wise policy of re-electing President Lincoln."

Mr. Seward to Mr. Adams.

No. 1250.] DEPARTMENT OF STATE,
Washington, January 27, 1865.

SIR: Referring to my despatch of the 3d ultimo, No. 1171, in regard to the piratical vessel Sea King or Shenandoah, and to subsequent correspondence on the subject, I now transmit a copy of a despatch of the 29th of November last, from James Monroe, esq., the consul of the United States at Rio de Janeiro, containing a statement in relation to the destruction of our United States merchant vessels, with their cargoes, namely, the bark Alma, the schooner Charter Oak, of Boston, the bark D. Godfrey, from the same port, and the brig Susan, of New York, and to the bonding of the ship Kate Prince. It appears from the information presented with Mr. Monroe's despatch that, with the exception of the name of the commander, the representation contained in my No. 1171 is corroborated.

Under these circumstances I have to request you to inform her Majesty's government that the United States will claim redress for the injuries and losses inflicted on their citizens by the depredations of the Sea King or Shenandoah.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Monroe to Mr. Seward.

No. 29.] CONSULATE OF THE UNITED STATES,
Rio Janeiro, November 29, 1864.

SIR: I am pained to be compelled to report to the department that a new piratical steamer called the Shenandoah, commanded by James W. Waddell, is engaged in destroying our merchant vessels near the equator, on the highway of communication between the United States and the ports of South America. The facts presented below were obtained in part from protests recorded at this office by the masters of the Alma and the D. Godfrey, and in part from statements published in the Brazilian newspapers, and believed to be reliable.

The bark Alma, Staples, master, of 573 tons burden, sailed from Newport, England, on the 6th October with a cargo of railroad iron, bound for Buenos Ayres. Having reached latitude 16° 40′ north, and longitude 26° 45′ west, she was captured and sunk on the 29th of October by the Shenandoah.

The schooner Charter Oak, from Boston, bound for San Francisco, was captured and destroyed by the same pirate on the 5th of November, in latitude 7° north, longitude 27° 03′ west.

On the 7th of November the bark D. Godfrey, Hallett, master, from Boston, of 300 tons burden, bound for Valparaiso with general cargo, was captured and burnt by the Shenandoah in latitude 6° 25′ north, and longitude 27° 15′ west.

On the 10th of November, in latitude 4° 30′ north, and longitude 26° 40′ west, the brig Susan, of New York, bound from Cardiff to Rio Grande, was also destroyed by the same steamer.

On the 12th of November the Shenandoah captured the ship Kate Prince, of 995 tons burden, Libbey, master. The Kate Prince belongs in Portsmouth, New Hampshire, and was on her passage from Cardiff to Bahia with a cargo of coal. She was captured in latitude 2° 30′ north, longitude 28° 30′ west, and having been compelled to give bonds in the sum of $40,000, was allowed to continue her voyage.

These five vessels were all American. The officers and crews were at first transferred to the Shenandoah; afterwards, as opportunity offered, a part were sent to Bahia on the Kate Prince; a part to this port on the Danish brig Anna Jans from New York, and the rest, so far as heard from, had been retained on the Shenandoah; of these last, some by threats and promises had been induced to engage in the piratical service.

In another instance, a vessel not under our flag narrowly escaped destruction. The Argentine bark Adelaide, Williams, master, bound from Baltimore to this city, was boarded by officers of the Shenandoah on the 12th of November, in latitude 1° 46′ north, and longitude 29° west. The Adelaide was consigned to Phipps, Brothers & Co., of this city. It was at first decided to burn her, and straw and tar had been brought for this object; this purpose, however, was finally abandoned, and the pirates, after having opened letters, destroyed furniture, and committed other outrages, retired on board the Shenandoah, carrying a part of the provisions of the bark with them. Captain Williams states that the commander of the Shenandoah declared he would hereafter burn all cargoes belonging to American owners, by whatever flag they might be covered.

The following statement in regard to the Shenandoah is made by shipmasters who have been prisoners on board of her:

"The Shenandoah is a steamship of 1,100 tons burden and 250 horse-power. She carries a battery of four sixty-eight-pounders and two twelve-pounders, all smooth bore, and two thirty-two-pounders, rifled. She was formerly called the Sea King, and belonged to the steam company trading between London and Bombay and Calcutta. She was built by Stevens and Sons, of Glasgow, in 1863, and makes eleven miles an hour. She has forty-three men, (nearly all English,) besides the officers. She cleared from London for Bombay in September of this year."

On the 27th instant the Anna Jans brought into this port the following officers and seamen of the Alma and D. Godfrey, who, being in a very destitute condition, applied to this consulate for assistance:

From the Alma, Everett Staples, master; J. F. Peterson, first officer; M. H. Staples, second officer; G. A. Stinson, seaman.

From the D. Godfrey, Samuel W. Hallett, master; R. L. Taylor, first officer; Charles F. Brown, second officer; Joseph James, seaman.

I offered assistance to the officers simply as seamen, in accordance with section 211 of my instructions.

As this despatch will be detained until the sailing of the English packet on the 9th of December, it will be supplemented by any further information which I may obtain in regard to the movements of the Shenandoah.

I have the honor to be, with great respect, your obedient servant,

JAMES MONROE, *United States Consul.*

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

P. S.—*December* 8.—I have no further information in regard to the movements of the Shenandoah.

J. M.

Mr. Seward to Mr. Adams.

No. 1253.] DEPARTMENT OF STATE,
Washington, January 30, 1865.

SIR: The despatches which were brought by the Cuba were received yesterday, and the return mail must be closed to-day.

Immediately after the despatch of the mail of last week we received authentic reports from the forces in front of Wilmington, which announced that the rebels had evacuated Fort Caswell, and Smithville, and auxiliary fortifications. Our army occupied them on the 16th instant, and the naval forces immediately entered Cape Fear river. The entire number of guns which fell into our hands, in the combined land and naval movement in that vicinity, was one hundred and sixty-eight. Two blockade-runners were captured, and the Tallahassee was destroyed. The military column has been re-enforced, and it is now operating for the capture of Wilmington.

General Sherman's march in South Carolina continues exciting profound alarm in Charleston, Augusta, and Richmond.

The enemy, on the night of the 25th instant, descended the James river from Richmond, with gunboats and iron-clads, expecting to pass the river obstructions which had been made to protect the lines of the army of the Potomac. Although the movement was unexpected, it was resisted by our forts, and it altogether failed, with the loss of one of the vessels. The line has been strengthened, and no apprehension of danger in that quarter remains.

The Canadian judiciary have decided in the case of the pirate Burleigh that he shall be delivered to the United States. Military reverses have produced a high excitement in the rebel councils, and throughout the region in which they yet bear military sway. Seddon, the pretended secretary of war, has been replaced by John C. Breckinridge. The self-styled Congress has required Jefferson Davis to confide the entire command of the rebel forces to Lee. H. S. Foote, a prominent member of that body, was arrested by the rebel military police in the attempt to pass the lines on his way to this city. A resolution to expel him was lost for want of what they call a constitutional majority, and he was then censured by the house. While these proceedings were going on at Richmond, Foote appeared at Major General Sheridan's camp, and solicited leave to come to Washington. The request is under consideration.

Francis P. Blair, esq., well known to the party in Richmond, was permitted to pass the lines and visit that place. He brought back a letter which had been addressed to him by Jefferson Davis, in which he said that he would waive formalities, and send or receive commissioners to confer with the President concerning peace between the two countries. So the leader of the rebellion expressed himself. Mr. Blair returned to Richmond with a letter which he had received from the President, in which he said that he would informally receive any persons who should come from Davis, or any other influential party in the insurrection, to treat for a restoration of peace between the people of our one common country. Last night Alexander H. Stephens, R. M. T. Hunter, and John A. Campbell arrived at our lines below Richmond, and desired leave to proceed immediately to Washington as peace commissioners. Their request is under consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1256.] DEPARTMENT OF STATE,
Washington, January 30, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch of the 12th of January.

I have read with much interest the letter of "Historicus," in the Times, to which you have directed my attention. The publication clears up a mystery which I had found insoluble, and which for that reason was giving me some uneasiness.

I give you herewith a copy of two pretended despatches of John Slidell, at Paris, to Judah P. Benjamin, in Richmond, which was written on the 28th of November and on the 13th of December, respectively. In the first the emissary writes to the conspirator that in consequence of the absence of Lord Cowley, M. Drouyn de Lhuys has had no opportunity to speak to him on the subject of a certain communication of Benjamin, described as No. 42. Slidell adds, however, that as Lord Cowley has now returned to Paris, and as both he and M. Drouyn de Lhuys are invited guests of the Emperor at Compéigne during this week, Slidell thinks that the subject will be broached then. At least, (so he says,) "such is the opinion of my friend at the Affaires Étrangeis." Slidell, communicating the subject, says to Benjamin: Mr. Hotze will have informed you that, after diligent inquiry, he cannot find that any instructions relating to our cruisers or their prizes have recently issued from the admiralty. When the minister of foreign affairs returns to Paris, I will, I doubt not, be able to ascertain whether anything has been said or done by him in the matter.

Renewing the subject in the paper of the 13th of December, Slidell informs Benjamin that, for some reason or other, Lord Cowley did not avail himself of his invitation to Compéigne, (before mentioned,) and only returned from London a few days since. But Slidell adds, that during Lord Cowley's absence, M. Drouyn de Lhuys had not neglected to call the attention of the British government, as he had before promised, to the subject of Benjamin's despatch, described as No. 43, as will appear by the following extract from a letter which Slidell had received from his friend at the Foreign Office. The extract is in the following words:

"M. Drouyn de Lhuys has written to our ambassador in London about the proposal of your government relative to neutral goods on board enemies' vessels, and wishes to know the opinion of the English cabinet on that subject. He also, in conversation with the ministers of the marine and commerce, expressed the opinion that the proposal would be very acceptable. He is waiting for an answer, which I will not fail to ask him to communicate to me."

Slidell closes up the subject with the remark, that he expects soon to learn the secret of this overture to the British government.

The mystery which I have mentioned arose out of our ignorance of the contents of Benjamin's so-called despatch No. 43, which was the basis of an intrigue carried on by an emissary at Paris, through the agency of a spy in the French Foreign Office, with the expected, but withheld, co-operation of the British ambassador at the imperial court. I now learn the character of that proposition from the publication of "Historicus," in the Times. Benjamin proposes to France and England modifications of their practice in regard to captures by rebel cruisers, as follows:

First, in the case of a vessel under enemy's flag, with cargo wholly or in part belonging to neutrals, Mr. Benjamin says that, under ordinary circumstances, this case would present no embarrassment. The captured vessel would be taken into a port of the captors, or of a neutral country, the portion of the cargo belonging to the neutral would be delivered to the owners, and the vessel, with such portion of the cargo as belongs to the enemy, would be condemned as prize.

Benjamin then proceeds thus: "The action of neutral governments has placed serious obstacles in the way of doing justice to their own people. They have closed their ports to the admission of captured vessels, and have thus rendered it impossible to make delivery in their own ports of the property of their own subjects, found on board of vessels of our enemies, while it would be exposing those vessels to almost certain recapture to attempt to bring them into our ports, for the captured vessels are almost invariably sailing vessels, and the enemy's cruisers off our ports are steamers. Mr. Benjamin, after thus presenting the case, concludes upon it as follows: If, for instance, Great Britain will not permit a captured enemy's vessel to be carried into one of her ports for the purpose of their delivery to a British subject of his goods found on board, she would certainly have no just ground of complaint that the goods were not restored to their owner. If, therefore, on the renewed representations we are about to make, we find neutral nations persist in refusing to receive the property of their subjects in their own ports, when captured by us on enemy's vessels, it will become necessary to instruct our cruisers to destroy such property whenever they are unable to bring the prize into our ports. Benjamin, by way of stimulating her Majesty's government to prompt compliance with these insurgent demands, complacently assumes that the commanders of our national cruisers should be instructed to continue their former practice of allowing the enemy to ransom his vessel in cases where the neutral property on board is of large value, or bears any considerable proportion to that of the enemy. But if a ransom bond is refused, or if the proportion of neutral property is small compared with the value of the vessel and the hostile cargo, the whole should be destroyed whenever the prize cannot be brought into a port of our own or a neutral country.

Having thus, in this manner, disposed of the first assumed case, he proceeds to state a second one, namely: a vessel really neutral, with cargo wholly or in part belonging to the enemy. Benjamin then states the rebel practice upon the case thus assumed, as follows: "The cruisers of the confederacy will therefore allow vessels of neutrals to pass free, unless laden with goods contraband of war; the contraband goods, if not the property of the owner of the vessel, are to be taken out if practicable, and transshipped or destroyed, and she is to be allowed to continue her voyage. But if the owner of the vessel has put on board contraband goods belonging to himself, destined for the enemy's country, he thereby forfeits the neutral character, and the ship is to be considered an enemy's vessel, and to be dealt with as such. No conflict with neutral powers on this subject is apprehended, as they have with entire unanimity issued proclamations forbidding their vessels, during the present war, from engaging in contraband trade, under penalty of forfeiture of national protection.

Benjamin then draws under review a third case, namely: a vessel ostensibly neutral, but really hostile, fraudulently placed under a neutral flag, and furnished with fraudulent papers, to protect her from capture.

In regard to this case, Benjamin avows this to be the practice of the rebels: "The captain (of the cruiser) should in any case make rigid examination of the papers and documents of every vessel sailing under a neutral flag, known to have belonged to the enemy at the commencement of the war. He should take into consideration the nature of the trade in which the vessel is engaged, the national character of the master, the papers found on board, the place at which the alleged sale to the neutral took effect, by delivery of the vessel, and every other circumstance tending to establish the true nature of the transfer, and to satisfy his mind whether the vessel be really neutral, or merely disguised as such. If the captured vessel has double sets of papers, or if papers have been destroyed or subducted by her master during the chase, or if she has continued in the same course of trade and under the same master since the alleged sale to the neutral, it may be safely concluded that the property is still hostile, and covered by fraudulent use of neutral flag. In these and all other cases where

there is great and decided preponderance of evidence to show that the vessel is really enemy's property, the cruiser must act on his conviction, and treat her as such, leaving to his government the responsibility of satisfying any neutral claim for her value. But when the commander has serious doubts as to the true character of the transfer, it will be proper rather to dismiss the vessel, if she cannot be brought into port, than to exercise a harsh and doubtful right."

These are the new positions assumed by the rebels of the United States, recognized as a belligerent by the principal maritime powers of Europe, in derogation of the sovereignty of the United States. The positions dispense in every case with the necessity of ports and courts, and substitute the deck of the captor for the one, and the will of the captain for the other. The United States have no direct interest in the question whether the other maritime powers shall acquiesce in the rebel claim thus made, because they are now at open war with the claimants. But they are indirectly interested, because it is presumed that the maritime powers will not expect the United States as a belligerent to concede to these persons any rights, privileges or advantages, which these powers may consent to waive in favor of the other so-called belligerent. You will, therefore, apply to Earl Russell for information.

Not having been made acquainted by the two maritime powers with the grave questions which have been submitted to them by the conspiracy at Richmond, it would not become us to intervene in the discussion of them. Otherwise, it might not be altogether improper for us to suggest, as a simple and effective mode of meeting these questions, that Great Britain should concede no belligerent privilege to any cruiser that is exclusively manned, equipped, and despatched from British ports, in violation of British laws and of the law of nations. The insurgents do not even pretend to have any cruisers, except those which were so manned, equipped, and despatched. I think that we may not unreasonably hope for such a decision on the part of the British government as well as the French government. Certainly it would be a very peculiar result of the British policy in regard to this war, if, while lawful British commerce is respected by the United States, it should be embarrassed or destroyed by vessels issuing from her own ports in aid of the insurgents. But this is a matter which may wisely be left to the exclusive consideration of the British government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c. &c., &c.

(Same to Mr. Bigelow, (No. 28,) *mutatis mutandis.*)

Mr. Slidell to Mr. Benjamin.

No. 75.] PARIS, *November* 28, 1864.

SIR: As I am still without the despatch referred to in your No. 42 I fear that it has miscarried, and beg leave to suggest the transmission of a duplicate. I have to thank you for the copies of the State Map of Virginia; one of them I have presented to our excellent friend the Duke de Persigny. I have been prevented from placing a second in the hands of the Emperor by the serious illness of Mr. Marquand, who, I trust, will soon be able to resume his functions.

In conformity with the intention of which I had the honor to advise you in my last despatch of 15th instant, the joint notes to the different European powers have all been forwarded through the several legations at this court, with the exception of that to Russia; as I had reason to suppose that some objection might be made in that case, I have sent the documents by mail to St. Petersburg, directed to the minister of foreign affairs.

The note for Rome was sent by Mr. James T. Soutter, of Virginia, to Bishop Lynch, with a request that, should the latter be absent, he, Mr. S., should hand it in person to Cardinal Antonelli. The accompanying copy of a letter from Mr. S. will inform you of the very gratifying manner in which it was received by his eminence.

The President's message has just reached us; its frank and manly tone commands universal admiration; copious extracts from it have been published in nearly all the Paris journals, and are producing a very marked and salutary effect on public opinion. It appears

at a very favorable moment, as the Italian question has ceased to occupy the press, which it had almost monopolized for the past two or three months; for this reason, and the absence of any apparent cause to apprehend European difficulties, our affairs have to a certain extent taken its place, and I believe that an impulse in that direction has been given to the semi-official journals from high quarters.

In consequence of the absence of Lord Cowley, Mr. Drouyn de Lhuys has had no opportunity to speak to him on the subject of your No. 42, but so he has returned, and they are both guests of the Emperor at Compeigne during this week. I think that the subject will be broached there; at least such is the opinion of my friend at the Affaires Étrangeres. Mr. Hotze will have informed you that, after diligent inquiry, he cannot find that any instructions relating to our cruisers or their prizes have recently issued from the admiralty. When the minister of foreign affairs returns to Paris I will, I doubt not, be able to ascertain whether anything has been said or done by him in the matter.

Since my No. 71, of 13th September, but £9,500 of the 7 per cent. cotton loan has been converted. The last certificate issued bears date 19th October, and as a considerable amount of these certificates is said to be in the market, it is to be presumed that no further conversions will be made for same time to come. This check of the process of absorption of the bonds which was going on so healthily, can only be attributed to the cessation of the facilities heretofore afforded for the delivery of cotton to the holders of certificates. I take it for granted that this cessation has been caused by stringent military exigencies, and hope that it may not be of long duration. In the mean while it has seriously affected the price of the bonds, which, in view of our late military successes, would otherwise have shown a considerable advance. The agent of the Albion Trading Company especially complains that the ships of the company despatched under the contract made with Mr. McRae and me have been compelled to load one-half of their cargoes on government account; as this contract, when made, was considered highly advantageous to our interests, it would seriously affect the credit of the confederacy if any change in our policy in regard to the shipment of cotton should interfere with its execution.

I have the honor to be, with great respect, your most obedient servant,

JOHN SLIDELL.

Hon. J. P. BENJAMIN, *Secretary of State.*

P. S.—I have this moment an answer from Earl Russell to the joint note, and annex a copy. The answer came through Mr. Grey, secretary of the British embassy, (and acting chargé d'affaires in the absence of Lord Cowley,) who had received Mr. Eustis very courteously when he handed him the joint note to be forwarded on the 20th.

Lord Russell to Messrs. Slidell, &c., &c.

FOREIGN OFFICE, *November* 25, 1864.

GENTLEMEN: I have had the honor to receive the copy which you have sent me of the manifesto issued by the Congress of the so-called Confederate States of America.

Her Majesty's government deeply lament the protracted nature of the struggle between the northern and southern States of the formerly united republic of North America.

Great Britain has, since 1783, remained, with the exception of a short period, connected by friendly relations with both the northern and southern States. Since the commencement of the civil war, which broke out in 1861, her Majesty's government have continued to entertain sentiments of friendship equally for the north and for the south. Of the causes of the rupture her Majesty's government have never presumed to judge. They deplore the commencement of this sanguinary struggle, and anxiously look forward to the period of its termination. In the mean time they are convinced that they best consult the interests of peace, and respect the rights of all parties, by observing a strict and impartial neutrality.

Such a neutrality her Majesty has faithfully maintained, and will continue to maintain.

I request you, gentlemen, to accept the assurances of the very high consideration with which I have the honor to be, gentlemen, your most obedient, humble servant,

RUSSELL.

JOHN SLIDELL, Esq.,
J. M. MASON, Esq., and
N. DUDLEY MANN, Esq.

Mr. Slidell to Mr. Benjamin.

No. 76.] PARIS, *December* 13*th*, 1864.

SIR: Since I last had the honor of addressing you, your missing despatch, No. 42, of 20th September, has come safely to hand. You will have seen by my recent despatches that my views of the course of the government are almost identical with your own, and that I have been so fortunate as to have adopted in advance the line of conduct which you have pointed out to me. There is one point, however, in regard to which it is proper that I should remove

false impressions, viz: that of this government "having refused permission to finish the vessels for delivery to us, after the restoration of peace, and actually forced the builders to sell them to third parties." I do not think that there would have been any difficulty about finishing the vessels for delivery to us after the restoration of peace; I am sure that the builders were never forced to sell them to third parties; and that no pressure for that object was ever exercised towards them by the government. The builder of the Bordeaux ships did, as I am informed, make assertions to that effect, but I am fully convinced that they were pure fictions, gotten up to subserve his own views, he being deeply interested in finding purchasers to whom the ships could be delivered and their entire price paid; while, under his contract with Captain Bullock, full payment was only to be made when the actual delivery of the ships should have been made to him, and such delivery would not have been permitted. I am happy to say that the conduct of Mr. Vorhees, the builder of the corvettes at Nantes, is in strong contrast with that of Mr. Armand.

In my last despatch I referred to the complaints of Mr. T. S. Bigbee, agent of the Albion Trading Company, of the refusal to deliver cotton in exchange for certificates, in compliance with the stipulations of the contract made with Mr. McRae and myself. I have since received from Messrs. Schroeder & Co., agents in London of the seven per cent. cotton loan, a letter on that subject of which I send you a copy. I suggest the propriety of transmitting it either to the secretary of the treasury, or to the secretary of war, as I am in doubt to which of these departments the subject more appropriately belongs.

Lord Cowley, for some reason or other, did not avail himself of his invitation to Compiegne, of which I spoke in my last despatch, and only returned from London a few days since; but during his absence Mr. Drouyn de Lhuys did not neglect to call, as he had promised, the attention of the British government to the subject of your No. 43, as will appear by the following extract from a letter from my friend at the Foreign Office:

"M. Drouyn de Lhuys, a ecrit a notre ambassadeur à Londres, au sujet de la proposition de votre gouvernement relative aux marchandises, neutres, à vere des batiments ennemis et pour connaitre l' opinion du cabinet Anglais a cet égard. Il en a également entretenu les ministres de la marine et des commerce, en exprimant l'avis que la preposition seraib fût acceptable. Il attend une réponse dont je d'omettrai pas de le prier de rue faire part."

I expect soon to hear the result of this overture to the British government.

I have received the answer of the Holy See to the joint note of 11th November; I annex copy of Cardinal Antonelli's letter, with a translation. As I feel it less decided in its tone than the letter of 3d December last of his Holiness to the President, I do not think it expedient to publish it, and have so said to Messrs. Mason and Mann. Should they, however, entertain a different opinion, I will cheerfully yield to it. I send you an interesting account from Mr. Soutter of his presentation to the Pope.

Our joint note was not of a nature to call for a reply from the government to which it was addressed, nor did I expect any—less, indeed, from Great Britain than from any other power. The letter of Earl Russell, on which I had not time to comment in my No. 75, has for me a greater significance on that account, as his lordship voluntarily went out of his way to say the most disagreeable things possible to the northern government; his reference to the treaty of '83 will, I think, be especially distasteful to them, placed in connexion with his twice-repeated recognition of the separate existence of the north and south—as never merged in a single nationality. I should be much surprised if this letter does not call forth a universal howl against his lordship from the northern press.

I learn from Mr. Carvalho de Moreira that the Brazilian diplomatic agents in Europe have received no instructions to invoke the good offices of the neutral powers in the case of the Florida, but he informs me that he has seen the instructions given to the minister at Washington. He is to demand an ample apology; the delivery of the Florida, in good order, with her officers, crew, and armament, at Bahia; and the exemplary punishment of the commander of the Wachusett.

The return of the Florida being rendered impossible by the scurvy trick of sinking her in port as if by accident, I presume that the Brazilian government will demand that she be replaced by another vessel of a similar character and armament. Mr. C. de Moreira says that the Emperor of Brazil is incensed to the highest degree by the outrage, and, being a man of great firmness, will not be satisfied with anything short of the most ample reparation.

I have the honor to be, with great respect, your most obedient servant,

JOHN SLIDELL.

Hon. J. P. BENJAMIN, *Secretary of State.*

Mr. Seward to Mr. Adams.

No. 1257.] DEPARTMENT OF STATE,
Washington, February 1, 1865.

SIR: I have received a despatch of the 3d ultimo from Mr. Robinson, our consul at Port Mahon, in which it is stated that on the 1st of that month, which

was a Spanish "fiesta," the ships in the harbor, as usual, displayed their national flags and signals, but that the master of the Linda Florida, Captain Daniel Hallowell, seized the occasion to insult the United States by hoisting upon his vessel, which was British registered and manned, in addition to the flags and signals of England, the flags of the insurgents against the United States. I will thank you to call the attention of her Majesty's government to this insult.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 867.] LEGATION OF THE UNITED STATES,
London, February 2, 1865.

SIR: Previous to sending the replies to the various addresses to the President, copies of which I now transmit, I did not omit the injunction you placed upon me in your No. 1215, to submit the essential portions to the consideration of Lord Russell. To this end I had a conference with him on Saturday last. He observed, on my reading them, that the answers had always seemed to him judicious and proper.

Some general conversation followed, but not of a character important enough to report. In regard to Lord Lyons, his lordship said he was glad to learn from him that he was better. He had been on a visit to the Duke of Rutland at Belvoir castle, and had written to him from there that he hoped to see him soon; but his lordship made no allusion to the question of the probability of his return.

His lordship also made some reference to the measures in agitation at Washington for the repeal of the reciprocity treaty, to the passport system, and other arrangements on the frontier. He spoke of them with some appearance of regret. I ventured to say that I regretted them also. It was not yet positively certain that the Senate would pass the resolution that had come from the House, though I presumed it highly probable. In my belief all these measures were the result rather of a strong political feeling than of any commercial considerations. I should not disguise the fact of the prevalence of great irritation in consequence of the events that had taken place in Canada; neither should I conceal my regret, as it seemed to me to be one of the cardinal points of our policy, both in a political and commercial sense, to maintain the most friendly relations with the whole population along our northern border. His lordship intimated that if any of our measures had the effect of repressing the tendency to active sympathy with the other party in the war among the colonists, to that extent it would do no harm.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to London Emancipation Society, January 28, 1865.
2. Mr. Adams to International Workingmen's Association, January 28, 1865.

Mr. Adams to Mr. Evans.

LEGATION OF THE UNITED STATES,
London, January 28, 1865.

SIR: I am directed by the President to express, through you, to the executive committee of the Emancipation Society of London, the assurance of his profound gratification on receiving an expression of their friendly sentiments towards him and his country. At the same

time I am advised to explain that he does not feel himself at liberty to assume the result of his re-election, to which they particularly refer, as a fact in advance of the constitutional process by which it is customarily ascertained and declared to the country in the Congress of the United States.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM EVANS, Esq.,
President of the Emancipation Society, London.

Mr. Adams to Mr. Cremer.

LEGATION OF THE UNITED STATES,
London, January 28, 1865.

SIR: I am directed to inform you that the address of the central council of your association, which was duly transmitted through this legation to the President of the United States, has been received by him.

So far as the sentiments expressed by it are personal, they are accepted by him with a sincere and anxious desire that he may be able to prove himself not unworthy of the confidence which has recently been extended to him by his fellow-citizens, and by so many of the friends of humanity and progress throughout the world.

The government of the United States has a clear consciousness that its policy neither is nor could be reactionary, but, at the same time, it adheres to the course which it adopted at the beginning, of abstaining everywhere from propagandism and unlawful intervention. It strives to do equal and exact justice to all States and to all men, and it relies upon the beneficial results of that effort for support at home and for respect and good will throughout the world.

Nations do not exist for themselves alone, but to promote the welfare and happiness of mankind by benevolent intercourse and example. It is in this relation that the United States regard their cause in the present conflict with slavery-maintaining insurgents as the cause of human nature; and they derive new encouragement to persevere from the testimony of the workingmen of Europe that the national attitude is favored with their enlightened approval and earnest sympathies.

I am, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Mr. W. R. CREMER,
Honorary Secretary of the International Workingmen's Association.

Mr. Adams to Mr. Seward.

No. 868.] LEGATION OF THE UNITED STATES,
London, February 2, 1865.

SIR: The effect of the news of the storming of Fort Fisher, and the closing of the navigation to Wilmington, has been considerable. It is helping to bring on something of the state of feeling which I hinted at as possible in my despatch, No. 865, of last week.

The measures in agitation at Washington, and especially against Canada, are now prominently brought forward in some presses, and still more in private conversation, as indicating a determined spirit of enmity to this country. The event of a reconciliation between the parties, which is regarded as not by any means so impossible as it was formerly, is assumed to be likely to happen simultaneously with a declaration of war against Great Britain, and an advance of the joint armies of the parties into Canada. It is then whispered about that the really wise way to avert so grave a danger would be to anticipate it by sustaining the insurgents so far as to prevent their ruin, even though it should be at the hazard of a war.

The prevalence of this sort of conversation among people of some influence, especially on the conservative side, has been reported to me from such a source as leads me to attach importance to it. The feeling is just in that state, on the meeting of Parliament, when the occurrence of any untoward event might be seized upon to give it vent.

On the other hand, the friends of the United States, both in and out of the government, have been so much encouraged by the entire series of late events in America, as to be far more unequivocal in advocating their cause than ever before. Nothing but some extraordinary error in policy on our part would avail to prevent them from steadily and effectively resisting all attempts to involve them in the struggle. The moral effect of our present situation is felt to be of great consequence to their own success in the general canvass which is about to follow the last session of this Parliament. On all sides the note of preparation is sounding. It is unquestionable that the liberal party is rapidly gaining courage and energy for the struggle. The speech of Lord Amberley, the son of Lord Russell, in opening the canvass at Leeds, is the keynote of the doctrines which the younger class of men of that side will infallibly be driven to adopt. I cannot, therefore, but feel it my duty to lay some stress upon the propriety of somewhat conforming the policy of our country towards Great Britain to the immediate exigency. From the very nature of things, the triumph of the liberal party is the success of all that portion of the people in England which sympathizes with us. On the other hand, the success of the conservatives would be the victory of an antagonist principle. Not that I am to be understood to imply that this would absolutely lead to war; so desperate a step as that would scarcely come from a party essentially timid in initiating a positive policy. It would only be hazarded in the contingency of a prevailing state of popular passion, like that which plunged the nation into the folly of the Crimean war. This is the only contingency in which I can view the chances of a rupture here as likely. But in order to bring about such a result, causes must operate not essentially dissimilar to those which were supplied by the wilful act of the ruling authority in Russia at that time. As the like causes appear now to be greatly within means of control by the President and the other branches of the federal government, I entertain the strongest confidence that they will not be permitted to operate.

Parliament assembles on Tuesday next. When the address is moved in each house it will be possible, perhaps, to gather from the debate some more correct notion of the state of feeling. Should there be anything of the kind, I shall endeavor to place a report of the proceedings in your hands at the earliest moment.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 869.] LEGATION OF THE UNITED STATES,
London, February 3, 1865.

SIR: I transmit a copy of the London Times, of the 31st ultimo, containing a report of the charge of the chief justice, in the court of common pleas, in a private action to recover insurance on a portion of the cargo of the steamer Peterhoff, which was captured, and has since been condemned, as bound on an illegal voyage.

I likewise have the honor to send copies of the Times, of the 2d and 3d instant, containing a report of the proceedings in the case of Mr. Rumble.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the London Times of January 31, 1865.]

COURT OF COMMON PLEAS—WESTMINSTER, JANUARY 30.

(Sittings in Banco, Hilary Term, before Lord Chief Justice Erle and Justices Willes and Keating.)

HOBBS *vs.* HEMMING.

This was an action on a policy of insurance effected on twenty-six packages placed on board the ship Peterhoff, to be carried from London to Matamoras, which vessel was taken as prize by a federal cruiser, and subsequently condemned in one of the prize courts of the federal States for having goods on board contraband of war. The American prize court found that the ship's papers were false and simulated, and that the ship was not going to Matamoras, but to some other port with goods contraband of war on board in aid of a belligerent power with whom the federal States were at war, and that the ship was carrying goods and papers which rendered her liable to be seized by such cruisers, and that she was so seized accordingly. The defendants by their seventh plea set out these facts as a defence to the action. To this plea there was a demurrer. The case was argued on the 16th of November last, when the court took time to consider its judgment, Mr. Temple, Queen's counsel, and Mr. Hannen appearing for the plaintiff in support of the demurrer, and Mr. Lush, Queen's counsel, and Sir George Honyman for the defence. This morning

The LORD CHIEF JUSTICE delivered the judgment of the court. After stating the pleadings he said the court did not find that the plea set out sufficient averments to be a defence on the ground of the concealment by the plaintiff of material facts. As the court read the plea they took it to be consistent therewith that the goods of the plaintiff were sent from a neutral to a neutral port in a neutral ship. The allegation in the declaration, that the goods were sent from London to Matamoras, was admitted by the plea, and the defendants relied on its proximity to the Confederate States. But the court could not draw any unfavorable inference therefrom against the plaintiff, if the goods were in the course of transport from a neutral to a neutral port. The better opinion seemed to be that war did not give to a belligerent any right to seize them on account of their quality. The allegation that the goods were shipped for the purpose of being sent to an enemy's port was an allegation of a neutral process. The court were not to assume therefrom either that the plaintiff had made any contract, or provided any means for the further transmission of the goods into the enemy's State, or that the shipment to Matamoras was an unreal pretence. If the goods were in a course of transmission not to Matamoras, but to an enemy's port, the voyage would not be covered by the policy, and that defence was raised in direct terms by the third plea. Then the allegation did not deny the destination to the neutral port to which the insurance related, but introduced a purpose existing in the mind of the assured, after the termination of the voyage insured, for the ulterior disposition of the cargo and ship. It was consistent with that purpose, as was alleged, that the plaintiff made the consignment for mercantile profit as the end to be attained by him; in other words, that he knew of an effective demand for warlike stores at Matamoras, and was induced to send a supply by the expectation of a high price, and that he expected that the purchase would probably be made on behalf of the Confederate States, and in that sense had the purpose that the goods should pass into those States. In that sense price was the ultimate end which he proposed to attain, and federal and confederate were alike indifferent as means, provided he attained that end; and in a neutral territory he might lawfully sell to either. The court, therefore, thought that the averment "that the goods were shipped for the purpose of being sent to an enemy's port" was insufficient to establish that they were liable to seizure for a breach of neutrality. The effect of the other allegations in the plea depended much on that which the court had just considered. If goods fit for immediate use in war, and therefore of the quality described by the term "contraband of war," were passing between neutrals, it seemed that they were not liable to seizure by a belligerent. The right of capture, according to Sir William Scott's opinion, expressed in the case of the Iowa, 3d Robinson, 188, attaches only when they are passing on the high seas to an enemy's ports; they must "be taken *in delicto*—that is, in the actual prosecution of a voyage to an enemy's port." The liability, therefore, of these goods to lawful seizure, although their quality was such as might make them contraband of war, depended upon their destination, and they were not liable unless it distinctly appeared that the voyage was to an enemy's port. The further allegation that the ship was conveying goods and papers which made them liable to be seized was immaterial as a ground of defence, for these goods were not alleged to be the plaintiff's goods, the plaintiff was not shown to be responsible for the ship's papers, nor for any other goods than his own. Also, if the voyage were to a neutral port and the law was as above stated, the facts alleged did not show that the ship and goods were liable to seizure. Furthermore, the allegation that the ship was carrying papers which made it liable to be seized was not strictly accurate in reference to the law of nations. The papers alone were not a breach of neutrality so as to work a forfeiture of the ship; they were only evidence from which a cause of forfeiture might be inferred. They might be evidence either of enemy's property or of destination to a blockaded port, or to an enemy's port, with contraband, should be evidence on which the judge might find a cause of forfeiture proved; but they were in themselves no cause of forfeiture.

The language of Sir William Scott, in the case of the Franklin, 3 Robinson, 221, speaking of simulated papers, and saying that "this fraudulent conduct justly subjects the ship to confiscation," must be taken with reference to the question before him, whether the ship should be confiscated as well as the contraband cargo, and his decision was in the affirmative; and rightly, if the ship-owner was knowingly conveying contraband to an enemy's port, of which knowledge papers indicating a false destination would raise a presumption. These being the premises alleged in the plea, the allegation that the defendant was ignorant of them is of no avail. If the defence were that the plaintiff had concealed a fact that he was bound to disclose, the plea should proceed accordingly; as it stood, it showed no wrongful act on the part of the plaintiff to the insurer. The eighth plea set out a judgment by way of estoppel, and the defendant in support of it relied on the rule, that sentence of foreign courts deciding questions of prize was to be received as conclusive evidence in actions on policies on every subject immediately and properly within the jurisdiction of the court on which it has professed to decide judicially, and the defendant contended that the judgment as pleaded showed that the voyage on which the ship was captured was not a voyage from London to Matamoras. The court thought that the decision of the prize court could not be pleaded as an estoppel. In support of this view a great number of legal decisions were referred to. The condemnation appeared to the court to have been for carrying contraband of war intended to be for the use of the enemy of the United States, and the sentence, so far from deciding that the ship with the said goods did not sail on the voyage from London to Matamoras, appeared to the court to express that she was on that voyage when she was taken. The first matter of fact found by the judge was that the ship was knowingly on the voyage aforesaid (that is, from London to Matamoras) laden with contraband. The second was that the said ship, with the said cargo, was not truly destined to Matamoras, a neutral port, and for the purpose of trade and commerce within the authority and intendment of public law; it was destined for some other port or place, and in and for the use of the enemy, and in violation of the law of nations, and that the ship's papers were simulated and false. If the judgment defined that the ship was not bound to Matamoras, but to a port of the enemy, the finding would have been so expressed; but if the judges meant to find that she was bound to Matamoras, not for the purpose of commerce with the inhabitants thereof, but for the purpose of such a sale or transfer there as that the confederates should get the use of the cargo, all the words of the judgment have their usual meaning and effect. The court had no jurisdiction to inquire into, nor where they at all considering the validity of the legal grounds of the judgment. Their task was to ascertain what matter of fact the judge found to exist. He may have considered that trading with the confederates was not within the authority and intendment of public law, and was in violation of the law of nations, and that a voyage to Matamoras with that object made the cargo liable to confiscation. They were led to the conclusion that the learned judge did not intend to find, as a matter of fact, either that the ship had not sailed on a voyage to Matamoras, or after having so sailed she had deviated from that voyage; but, on the contrary, he condemned her as lawful prize, because she was in prosecution of that voyage with an ulterior destination either for the cargo or ship, or both. The judgment, therefore, did not sustain the inferences of fact which the defendant sought to establish, nor did it sustain his claim of right to prevent the plaintiff from showing the truth in respect of this fact, and the plea was therefore bad. The court were also further of opinion that the eighth plea and rejoinders to the same effect were bad, because the finding of a matter of fact, in the course of the adjudication of a prize court, could not be pleaded as an estoppel in the cases where, if adduced in evidence, the judgment would be received as conclusive evidence of the fact so found. For these reasons the court gave judgment on the demurrers for the plaintiff.

[From the London Times of February 2, 1865.]

COURT OF QUEEN'S BENCH—WESTMINSTER, FEBRUARY 1.

(Sitting in Banco, before Mr. Justice Blackburn and Mr. Justice Mellor.)

THE CASE OF THE RAPPAHANNOCK.

THE QUEEN *vs.* RUMBLE.

The trial of this case, commenced in December, and adjourned on account of the absence of a witness, was resumed and continued. It was an indictment under the foreign enlistment act against an officer in her Majesty's dock-yard at Sheerness, for assisting in the manning and equipment of a vessel-of-war with intent that she should be engaged in the service of the Confederate States. This case had arisen thus: in November, 1863, a war steamer called the Scylla, a gunboat of 500 tons, carrying six guns, was sold by the admiralty at Sheerness. Soon afterwards she was found to have got into the hands of persons who were fitting her out for the confederates; and, in fact, she was taken over to Calais, and there hoisted the confederate flag, and was called the Rappahannock. An inquiry before the magistrates was thereupon instituted by the government, which was conducted by Mr. W. V.

Harcourt, and the result was that in January last year the defendant was committed for trial on charges under the foreign enlistment act: "that he did unlawfully hire, retain, engage, and procure, and attempt and endeavor to hire, retain, engage, and procure, divers persons to enlist and enter and engage to enlist and serve and be employed in the service of and for and in aid of certain foreign States, provinces, and people, commonly called the Confederate States of America, and of the persons assuming to exercise the powers of government in and over the said States, &c., as sailors and otherwise in sea service for, under, and in aid of the said foreign States, &c., and the persons assuming to exercise powers of government in and over the said States, &c., and to go and agree to go and embark from the port of Sheerness for the purpose and with the intent to be enlisted, contrary to the statute in such case made and provided." And, further, that he did unlawfully, and without the leave and license of her Majesty, equip, furnish, and fit out and knowingly aid and assist, and was concerned in the equipping, furnishing, and fitting out of a certain ship called the Victor, otherwise called the Scylla, otherwise called the Rappahannock, with intent and in order that the ship should be employed in the service of certain foreign states, provinces, and people, commonly called the Confederate States of America, and of the persons assuming to exercise powers of government over the said States, provinces, &c., and with intent to cruise and commit hostilities against the United States of America, and the subjects and citizens of the said United States, with whom her Majesty was not then and is not now at war, contrary to the statute in such case made and provided. The statute (59th George III, chap. 69) is entitled "An act to prevent the enlisting or engaging of his Majesty's subjects to serve in a foreign service, and the fitting out or equipping in his Majesty's dominions vessels for warlike purposes, without his Majesty's license;" and the preamble recites that "the enlistment, &c., or equipping, &c., for warlike operations in or against the dominions of a foreign state may be prejudicial and tend to endanger the peace and welfare of the kingdom;" and then the second section provides that "if any natural-born subject of his Majesty, without the leave and license of his Majesty, shall enlist or enter himself to enlist, or shall agree to enlist, &c., to serve as a soldier, or to be employed or shall serve in any warlike operation, in the service of or for or under or in aid of any foreign prince, state, &c.; or accept or agree to take or accept any commission, warrant, or appointment as an officer, or shall enlist or enter himself, or shall agree to enlist or enter himself, to serve as a sailor or marine, or to be employed or engaged, or shall serve in or on board any ship or vessel-of-war, or in or on board any ship or vessel used or fitted out, or equipped, or intended to be used, for any warlike purpose, in the service of or for or under or in aid of any foreign power, prince, state, &c., or engage, contract, or agree to go, or shall go, to any foreign state, country, &c., with an intent or in order to enlist or enter himself to serve, or with intent to serve, in any warlike or military operations whatever, whether by land or by sea, in the service of or for or under or in aid of any foreign prince, state, &c., or as an officer or a soldier, or in any other military capacity, or as an officer or sailor, or marine, in any such ship or vessel as aforesaid, although no enlisting money, or pay, or reward shall have been or shall be in any or either of the cases aforesaid actually paid to or received by him, or by any person to or for his use or benefit; or if any person whatever within the United Kingdom of Great Britain and Ireland, or any part of his Majesty's dominions elsewhere, &c., shall hire, retain, engage, or procure, or shall attempt or endeavor to hire, retain, engage, or procure, any person or persons whatever to enlist, or enter, or engage to enlist, or to serve or to be employed in any such service or employment as aforesaid as an officer, soldier, sailor, or marine, either in land or sea service, for or under or in aid of any foreign prince, state, &c., or to go or to agree to go or embark from any part of his Majesty's dominions for the purpose or with intent to be so enlisted, entered, engaged, or employed as aforesaid, whether any enlisting money, pay, or reward shall have been or shall be actually given or received or not—in any or either of such cases every person so offending shall be deemed guilty of a misdemeanor, &c."

Then comes the celebrated section seven as to equipment of vessels:

"That if any person within any part of the United Kingdom, or in any part of his Majesty's dominions beyond the seas, shall, without the leave and license of his Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, &c., or shall within the United Kingdom or any of his Majesty's dominions, &c., issue or deliver any commission for any ship or vessel to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, &c.; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition and stores which may belong to or be on board of any such ship or vessel, shall be forfeited."

The charges made in the present case, it will be seen, involve some of the questions raised in the case of the Alexandra as to equipment, and also other questions under the provisions in the statute relating to enlistment, and are necessarily, for the purposes of indictment, expanded into a great number of counts, to hit the various words of the statute under each head of charge. Each count in itself is short and simple enough. Thus, the first count charges

"that the defendant, on the 24th of November, 1863, within the United Kingdom, at Sheerness, in the county of Kent, unlawfully and wilfully did hire, retain, engage, and procure one Maloney to enlist as a sailor in sea service, (or to go and embark from that port with intent to be enlisted, &c.,) for, under, and in aid of certain persons assuming to exercise the powers of government in a certain foreign country—that is to say, for, under, and in aid of the Confederate States of America." The length of the indictment arises from the number of the counts, of which there are as many as 166. Of this enormous indictment it will be enough to present a brief but careful analysis: In a general way, it may be said to be divided under two heads: the first and larger portion relating to the enlistment of men; the second as to the equipment of the vessel. The general analysis is this: The first ten counts charge the defendant with an offence under the second section, in hiring, &c., one Maloney. The 110 following counts charge him with a similar offence with reference to ten other men. The next sixteen counts charge him under the same section with counselling and procuring four of the men to enlist and enter themselves to be employed in the confederate service. The remaining seven counts charge him under the seventh section with equipping, furnishing, or fitting out the vessel, or with attempting to equip, fit out, or furnish her. This general analysis, however, will hardly suffice to enable the reader to follow the case without a more particular analysis. The first six counts charged that the defendant did procure, &c., one Maloney to enlist, &c., and to engage to enlist, &c., and to go and embark with intent to be enlisted, &c., (varying the counts to meet the words of the statute,) "as a sailor on sea service" in aid of the Confederate States. The next four counts, from the seventh to the tenth, charge that the defendant did procure, &c., Maloney to be employed, &c., in warlike operations by sea in aid of the Confederate States. Then follow ten sets of similar counts, (11 to 124,) each set the same as the first ten, charging that the defendant did procure, &c., to be enlisted either "as a sailor in sea service," or in warlike operations by sea, one of ten other men, named Firth, Ginno, Hurford, Brooks, Bailey, Goode, Newton, Spendiff, Thompson, Hall, and Shaw. These are the counts under the statute—the foreign enlistment act itself. Then come four sets of counts, each of four counts, (121 to 136, inclusive,) which charge a misdemeanor at common law, in counselling four of these men, Brooks, Maloney, Goode, and Newton, to enlist and serve. Each of these sets of counts charges that the defendant did counsel and procure (one Brooks, &c.) a natural-born subject, &c., without the leave or license of her Majesty, to enlist, &c., and to serve, &c., "on board a certain ship-of-war intended to be used for warlike purposes," in aid of the Confederate States. Then come several sets of counts (137 to 166) upon the equipment clauses of the statute. The first set charge that the defendant, without leave or license, did equip, furnish, and fit out a certain ship with intent that the same ship should be employed in the service of the Confederate States, with intent to commit hostilities against the United States; and one count (139) charges that he did "equip, furnish, and fit out" a vessel with intent to commit hostilities against the United States. The next set (140 to 148) are the same as the last three, except that they charged that the defendant "did attempt and endeavor to equip" or "furnish" or "fit out;" one of the three counts charging an attempt to "equip," a second an attempt to "furnish," and a third an attempt to "fit out." Then follow a set of counts (149 to 157) the same as the last nine, (*i. e.*, as 139 to 148,) except that they allege that the defendant did procure to be "equipped," or "to be furnished," or "to be fitted out," &c. The last set of counts (158 to 166) are the same as the nine preceding, except in alleging that the defendant "did aid and assist, and was concerned in the equipping," or "the furnishing," or "the fitting out" of a vessel, with intent that the same should be employed in the service of the Confederate States, or with intent to commit hostilities against the United States. Such is the analysis of the numerous counts in the indictment. It will be observed that the matter occurred at Sheerness, and the offences are said to have been committed there, and ordinarily the indictment would have been preferred and the trial had at the assizes for the county of Kent; but the foreign enlistment act expressly provides that the indictment may be preferred in the Court of King's Bench, and on account of the importance of the question which it involves, it was accordingly so preferred, and the bill of indictment was found or presented by a grand jury of Middlesex in last Trinity term—that is, in the month of June. The grand jury were charged by the senior puisne judge of this court, Mr. Justice Crompton, and we fully reported his charge at the time. The grand jury having found the bill of indictment, the defendant pleaded "Not guilty," and the case was set down for trial. Of course it could only be set down in its order, and in that order in December last it came on for trial. The solicitor general, Mr. Lush, Queen's counsel, Mr. Hannen, and Mr. W. V. Harcourt, appeared on the part of the Crown; Mr. Bovill, Queen's counsel, Mr. Karslake, Queen's counsel, Mr. Serjeant Ballantine, Mr. Macnamara, Mr. Giffard, and Mr. Talfourd Salter, were for the defendant. On the jury being sworn, Mr. Harcourt briefly opened the case, stating that it was an indictment under the foreign enlistment act, to which the defendant had pleaded "Not guilty." The solicitor general, in stating the case to the jury, said this was a prosecution under the foreign enlistment act, a statute passed, as the preamble states, for the better preservation of the peace of the country, and therefore a statute of great importance to the welfare of the kingdom, and it was, he said, intended to prohibit the mischief against which the act was directed, as appears by its title and preamble—that is, any of the Queen's subjects being engaged in military

service or warlike operations under any foreign state or power. And he said he would state the view which the Crown takes upon the construction of the statute. "Their view," he said, "is shortly this: that any equipment of a vessel with the prohibited intent is the of fence created by the statute. That is, in other words, that it is not necessary that the equipment should be itself of a warlike character; but that if any person equips or aids in the equipment of a vessel by providing her with sails, or rigging, or motive power, engines, or boilers; n fact, if he assists in any equipment whatever, he is guilty of an offence under the statute: provided, always, that it be proved that any equipment which he was a party to was made with the intent that the vessel should be enabled to cruise and commit hostilities against some country at amity with our Queen." The learned solicitor general then stated the facts thus: In 1857 there was a screw gunboat built for the crown, called the Victor. She carried six guns, was about three hundred and fifty horse-power, and her tonnage was about five hundred tons. She was employed for some time in the navy, but being found not very available for the government service the admiralty accepted an offer from Messrs. Gordon, Coleman and Co., ship-owners in London, to sell her to them. The offer was accepted in November, last year. and she was sold for £9,000. On the 6th of November, Messrs. Coleman were registered as the owners of the vessel, although it would appear by subsequent statements of Mr. Rumble that Messrs. Coleman were not the real owners, and that the real owner was a Mr. Zachary Pearson. The vessel was delivered to the purchasers on the 10th of November. Before she was delivered the warlike fittings were taken out, and she was sold without masts, or sails, or rigging; after slight repairs she was delivered to the purchasers and taken out of the dock-yard, and anchored in the Thames. That was on the 10th of November, and a new name, that of the Scylla, was then given to her. It was given out that she was destined for a voyage to China. Preparations for a voyage were proceeded with rapidly. The parts of her most defective were the boilers. A number of men were put to work upon them. They were supplied with fresh tubes, and rapid preparations were being made to send her to sea, the men being engaged ostensibly for the purpose of going to China. She was purchased and equipped, not for the China trade, but to become a vessel-of-war in the confederate service. The equipment, however, proceeded up to the 24th of November. On that day the parties interested in her appear to have received some intelligence which changed their plans, for in the evening of that day, instead of proceeding with the equipment, she was suddenly, in the night, taken out of the Thames to sea, and subsequently was taken to Calais. No sooner was the vessel out at sea than the mask was cast off, and all disguise thrown away. The name was changed to the Rappahannock; a confederate captain came on board of her at Calais, who said he had been mate of the Alabama, and took possession of her as captain; a fresh flag, the confederate flag, was hoisted; the officers appeared in uniform; there was no disguise; the character of the vessel was openly discussed; it was given out that she was a man-of-war; the crew were called on deck; they were "mustered," and required to sign what they called "articles of war"—that is, articles for service; they were offered £8 a month and £10 bounty, and prospects of prize money were held out, and the captain said, "I shall fight for my country and for glory, and you will fight for fame." Some pressure was put upon them at that time; they were in a foreign country, without the means of returning home, and many of them were, unhappily, induced to enlist. The preparations for equipment, which had been interrupted, were proceeded with; a number of boiler-makers were sent for from England, and many of them were induced to leave their employment in the dock-yard without leave, and when they returned they were discharged as having been absent without leave. Attempts were made to enlist more men; a large store of coals was taken in; but at this point the French government stepped in. The French government, not choosing their ports to be made the scene of hostile operations, interposed and prevented any further equipment of the vessel, and, by the short and summary process of mooring a man-of-war across her bows, prevented her going out of port, and she has been kept a prisoner in the harbor ever since. Such is a short outline of the history of this vessel—first the government gunboat Victor; next the merchant ship the Scylla, bound for China, and then the confederate war steamer the Rappahannock. The learned solicitor general, after observing that probably there never was heard of a more audacious attempt on the part of a belligerent to violate neutral sovereignty and neutral territory, went on to state what part Mr. Rumble, the defendant, took in these matters, and stated that, according to the evidence he should call, he took an active part, if not the principal part, in the equipment of the vessel and procuring for her a crew, and that he knew perfectly well from the beginning the true character and destination of the ship. He was frequently, indeed almost daily, on board the vessel superintending her equipment; and the jury, he said, would bear in mind that she had ceased to belong to the government, and they had nothing to do with her. She was ostensibly a merchant vessel belonging to a private firm, and Mr. Rumble, as inspector of floating machinery, had nothing to do with her. Still he was there almost every day giving directions upon the subject of her equipment. He procured boiler-makers and set them to work and gave them directions what they should do to the boilers. He ordered new tubes to be put in; he gave directions with respect to the rigging and the other equipments. The vessel was masted with the aid of Captain Hall, of her Majesty's ship the Cumberland, a ship which had apparatus for masting vessels, and the use of which was applied for to assist in masting her; and Captain Hall, wishing to try the new apparatus for

the purpose, consented to allow it to be used. But, inasmuch as the government had no reason to suppose that he knew of the destination of the vessel at that time, they had not thought fit to lay any blame upon him, though they were not at the time aware that this had been done. Mr. Rumble, however, was constantly on board, superintending the equipment of the vessel, which proceeded up to a certain point, and then it was interrupted. But, further, he took an active part in manning the vessel. He was held out as the person to whom men seeking employment on the vessel should apply; they applied to him, and he received their applications; he himself engaged men in different capacities, and agreed with them as to the amount of wages they were to receive; when they went to sea he paid them their wages for some weeks, held out inducements to many of them to join the vessel, and said that he would, when they were at sea, take care that the portion of their wages they did not want should be transmitted to their wives. He paid the passage of several men from Woolwich to Sheerness when they went to join the vessel. And on the afternoon of the 24th of November, when the vessel left the river, he was on board as late as five o'clock in the evening, when preparations for departure were going on. He was down in the cabin with the real owner, Mr. Pearson, and the persons then in command; several of the crew were brought into the cabin, and then Mr. Rumble endeavored to induce them to enlist for a long voyage. He failed as to some: some of them refused to sign the articles; but some were induced to do so "for a trial trip," as it was said. Mr. Rumble was then present while the articles were being signed, endeavoring to induce the men to enlist. The learned solicitor general went on to state: The vessel went away from the river on the 24th of November, and three or four days afterwards—about the 28th—Mr. Rumble himself went to Calais, and went in the same boat with a number of boiler-makers, who were going from some dock-yards to assist in the completion of the equipment of the vessel. And Mr. Rumble was on board the vessel, if not on deck, at the time the captain summoned the crew and engaged them for the service, and he was actually in the cabin when some of the men received the bounty for their enlistment. But the case did not stop even there. Mr. Rumble returned, and, at all events, then he knew the character of the vessel; but even then, applying to him for employment on the vessel, he said, "I will speak to the confederate agent about you, and procure you employment." And further, upon his return to Dover from Calais, when he had been on board the vessel, meeting with one of the boiler-makers who had been employed on the vessel but had returned, Mr. Rumble used every kind of persuasion to induce him to go back to her. Such (said the solicitor general) is an outline of the facts which, as I am instructed, I shall be able to prove. Witnesses were then called in support of the case thus stated, and the first witness called (to give formal evidence of the sale of the vessel by the government) was Captain Wise, captain-superintendent of Sheerness dock-yard. He gave the particulars of the vessel, and stated that when the ship was sold her warlike equipments were taken out of her, and she was sold and delivered without masts, stores, or engines, boilers, or machinery. An application by the purchasers for the stores was refused, and she was sold without fixtures; and, he said, the defendant, Mr. Rumble, had nothing to do with her connected with his duties. It was, however, elicited in cross-examination of this witness that the ship was, after the purchase and at the request of the purchaser, docked at the dock-yard, under orders from the admiralty, and with his sanction as captain-superintendent. The witness at first stated that it was before the purchase was completed. He was pressed as to this, and desired to refer to the papers. The witness then produced the purchaser's written requisition, dated the 17th of September, 1863: "We beg you will give permission to place in the dry dock the vessel we have purchased from the admiralty, for the purpose of examining her, with a view to taking her away under steam, it being done at our expense," which he admitted showed it was after the purchase. Upon this, he said, there was an order to dock the ship, though it could not be done at once. The witness then read the answer, dated the 27th of September: "My lords approve of the Victor, purchased by Messrs. Coleman, being docked on the 10th of October, for the purpose of inspecting her bottom, at the purchasers' expense." The witness then went on to state that on the 8th of October "the government officials" took the ship out of the Medway and put her into the dry dock at Sheerness, and examined her. It was all, he said, "done by the government." He did not know, he said, if any one was there on the part of the owners, but it was done at their expense. During the time she was there no repairs were done, except repairing an accident, &c., but she was thoroughly examined. On the 13th of October she was taken out of dock into the basin, and on the 2d of November out into the river, and there her masts were put into her. Nothing was done until after the 12th of November, after she was given up. It was on the 10th of November she was given up, and after that the owners sent down the masts. It was further elicited from the witness in cross-examination that the masts were put into her by Captain Hall, captain of the steam reserve, and with the aid of a government ship, the Cumberland; and that her rigging was put up by riggers belonging to the dock-yard, but after working hours; that she was at the government moorings, because, as she had no anchor, the owners asked that she might be made fast to a government buoy; and that she was taken out by a government tug—that is, out of dock into the basin; and remained at the government moorings until after she had her masts in her, when she lay at her own anchors. He further admitted that it was well known to every one that she was lying there being fitted out, and it was understood she was going to China; and further that he (the witness) rendered

every assistance, and made no objection to the men working on her after working hours. It was not unusual, he said, when a ship had been sold, to render every assistance to her, and he admitted that the inspector of machinery afloat might be disposed to do so. Several of the men mentioned in the indictment as having been enlisted were then called to prove the part taken by the defendant in regard to an engagement or enlistment. The first of them was a man named Firth, who stated that he had been a breaker-up of ships at the dock, and that in the autumn of 1863 he had been engaged to work upon the ship by a Mr. Ferguson, who said he was chief engineer, and was to meet a Mr. Carr before going on board. He, Cole, and Hurford were together, and they were to meet Rumble in the dock-yard at Sheerness—(Carr said,) and they went to the dock-yard, to the steam reserve office, and met Rumble there. Carr went and spoke to Rumble. They went towards the water-side, and Rumble told Carr to go down to the dock-yard pier and take a boat and go off to see the Scylla, and he would be off as soon as they. They went on board, and Rumble was there and spoke to Carr. They were then put to work. Carr was second engineer on board the Scylla. Carr ordered witness to go down, and told him to look after the stores. He was engaged upon her till she sailed, and afterwards. Rumble paid the first week's wages on board the ship, and told him he would allow them a guinea a week while they stopped there. Then witness asked him where she was going. He told witness he didn't know where she was going to, but if he went away in the ship and lived to come home again he shouldn't have to work any longer, and he would like to go him halves. The witness continued there three weeks and one or two days—*i. e.*, at Sheerness. Rumble came on board, he said, often, sometimes twice a day, and other days oftener, and told him if he wanted anything on board to let him know. Witness applied to him for several things; they were for the use of the ship—shovels, tools, rakes, &c., and a cask of oil. He put them down in his pocket-book, and they were sent on board next morning. This went on till the time of the vessel going away. He went away with the vessel between nine and ten on a Tuesday night. On that night he did not see Mr. Rumble on board, but saw him on board that afternoon before they went away. Mr. Ferguson called the men into the cabin, and Rumble was there, and Rumble asked witness if he was going to sign the ship's articles. Witness told him "Yes." Rumble offered him £6 a month, and witness asked him for £8. Rumble said, 'Here's one of the owners," (pointing to Mr. Pearson,) "and he can't afford to give more than £6." Mr. Pearson then told witness he would give him £8. Witness didn't, however, sign the articles. Then Rumble told him to go out of the cabin and send his mates in; and he did. That night they went off. Afterwards they agreed with Mr. Ramsay for fourteen days. They went to Calais. He didn't know where he was going, nor when she was going to start. They sighted Calais about four in the afternoon. Mr. Ramsay commanded the vessel to Calais. They "dodged about" off Calais all night, and went in next day. A flag was hoisted outside the harbor. It was white with a union jack at the top corner, a red stripe down the middle, and thirteen stars, and he was told that it was the confederate flag. He remained three or four days on board at Calais, but didn't like to go in her when he saw the flag. Another captain came—Captain Campbell—and they were called aft and told he was the captain. He asked them to go in her, and some said, "Yes," and some said "No." He told them she was a confederate man-of-war, and he would like to have them all go in her. Witness wouldn't go. He did not see Rumble on board while at Calais, nor at Calais. The captain next day came on board in uniform—a gray suit. Mr. Rumble paid their expenses on the first occasion from Woolwich to Sheerness. In cross-examination, however, it was elicited from this witness that he was engaged first by Mr. Ferguson, who also engaged Carr as engineer. He never conversed with Rumble about going on board the ship. No repairs, he said, were going on on the Scylla when they went there. Only the cook and Mr. Ramsay were on board, and Mr. Rumble. There was nothing being done at the time. Carr told them what to do. It was to work at the engine and boiler. Boiler-makers came on board and worked. The tubes were very bad. While they were at the buoy nothing was done but knocking about the boiler. (The object of this, it will be seen, was to show that the defendant Rumble up to that time had only been party to an engagement of men to repair the ship's boilers or engines, &c.) Being pressed by Mr. Bovill whether he did not swear before the magistrates that Mr. Ferguson told him to go into the cabin to sign the ship's articles, the witness said, Yes; he first spoke to me about the articles. Then Rumble asked whether I was going to sign. I don't know whether or no I said anything about Rumble telling me to sign the ship's articles. Rumble never said anything about what we were to have after we left Sheerness. Ferguson engaged us. On Saturday morning Mr. Rumble paid me. He told me we were to have a guinea a week and provisions. I had made no arrangement up to that time, except with Ferguson. We didn't know what we were to have until Rumble paid us. I thought she was going to run the blockade or going to China in the opium trade. No one told me where she was going. I had no notion of enlisting in the confederate service. The talk among the men was that she was going to China in the opium trade. I was engaged to go a trial trip as far as Brest.

The LORD CHIEF JUSTICE. Who engaged you?

WITNESS. Mr. Ramsay, as storekeeper. When we got to sea, we found the boilers and the tubes very bad. The riggers at Sheerness were employed about the ship, painters, &c., of Sheerness, and other tradesmen. I should have declined to enter the confederate service.

At Sheerness they offered us £10 bounty; no, it was over at Calais. When we were off Calais the flag was made on board. The boilers were not being repaired at Calais while I was on board. Captain Campbell came on board the same night or next morning. He called us aft, and told us she was a confederate vessel. As far as I know, it was the first any of us had heard of it.

A JUROR. What wages would have been given for the ordinary trip to China?

WITNESS. About £4 10s. or £5. It would be the same for the opium trade.

Re-examined by the SOLICITOR GENERAL:

Witness said Ferguson didn't agree with me as to terms. Then I came to Sheerness and went on board the vessel. Mr. Rumble was there, and nothing was said about wages. The first occasion Mr. Rumble came aboard and ordered all aft. We stood round Rumble. He pulled out the money, and said, "I intend to give you a week," and paid me. He paid me the next week £1 1s. He only paid me two weeks. The third week Mr. Ramsay paid us outside the Foundling Inn, at Sheerness. When we were called into the cabin Mr. Rumble first spoke to us about articles. Mr. Rumble left the ship soon after.

The next witness was one James Hurford, one of the men mentioned in the indictment. He said, I am a ship-breaker. I was employed last autumn on board the Scylla. I was sent there by Mr. Ferguson. He sent me from Woolwich to Sheerness. I saw at Sheerness Mr. Rumble. No one told me to go to him. I went with the rest. I had nothing to say to him the first time. I went on board ship after I saw Mr. Rumble. Some time after I was working on board I saw Mr. Rumble. No agreement was made for wages for some time after I went on board. We went aft and asked Mr. Rumble some day or two after we came on board; all of us went. My expenses from Woolwich to Sheerness were paid by Mr. Rumble after we went on board. Rumble told us he was authorized from the company to pay us at the rate of £1 1s. a week, and our provisions would be added on board. I agreed to those terms. I remember the ship sailing at midnight. That day I saw Mr. Rumble on board, but not to have any conversation with him. I was on board when she went to Calais. I stayed there seven or eight days. I was cleaning up. When Rumble paid me he told us that the captain was not in England at present, but would be in England in the course of three or four days' time, and he would make agreement with us. I was to be leading stoker. Nothing was said to me about signing articles before I got to Calais. Captain Campbell was the captain at Calais. Captain Campbell asked me to sign the ship's articles. I did not consent. Captain Campbell told me what she was. I didn't know before I got there. I declined going on conditions—unless I had watch and watch on shore while she was in harbor every other night, as in an English man-of-war. Captain Campbell would not agree to it, so I didn't sign. Before going to Calais Captain Rumble said he would send our money.

In cross-examination the witness said he was told that he was to be leading stoker. He and Carr, Cole, Firth, and Cozens were on board. He was pressed as to what was said about the captain, and whether it was not said by Mr. Rumble that when the captain or owner came he should have no more to do with it, and he said "that the captain was not in England and he would make agreements with us, as he had then nothing more to do with it himself." Being pressed, the witness repeated that what Mr. Rumble said was that "the captain would make agreements with them when he came, as he (Rumble) had nothing more to do with it himself."

In cross-examination it was further elicited that he said to the defendant that it was not usual that men engaged in merchant ships should pay their own expenses upon coming to their ship, and that then Mr. Rumble paid him and Firth their expenses to Woolwich. He repeated that he saw Rumble on board on the day the ship sailed; but the superintendent of police was also there. He was pressed as to whether they were not both on board searching the vessel to see if government stores were not on board, but he could not say. He was asked whether he had not said that the defendant had said he merely paid the men because the owner was away, but he said that what he had said was that the captain was away. Upon this his deposition was put into his hand, in which he had sworn that the defendant had said he paid the wages because the owners were in London, and had requested him to pay the men, and he said he did say so. Being asked again, however, he said that what the defendant said was that the owners had asked him to pay the men, but that it was the captain who was away.

In re-examination the witness stated that Ramsay was on board acting as captain, and told him he was to speak to Mr. Rumble, and afterwards Mr. Rumble told him the captain was away. After that Mr. Pearson came and acted as captain. He came on the day the ship went out from Sheerness to Calais. Both Pearson and Ramsay were on board, and he believed that Ramsay had more to do with the navigation. At Calais Captain Campbell came, and he supposed Pearson left. He did not see him afterwards. Before starting, he said, Ramsay had acted as captain.

The next witness was the man Coles, whose evidence was this: He applied, he said, to Ferguson, who told him to join the ship. He went down to Sheerness with Carr and two other men. Subsequently he went on board the ship and saw Ramsay there. He did not then see Mr. Rumble, but saw him in the factory, and saw him on board some few days

afterwards. He got his passage-money from Hurford, but saw Rumble give it him, being close by at the time. Captain Ramsay was on board at the time. Mr. Rumble was so frequently on board that he could not say when he saw him next. Mr. Rumble gave him a guinea in the course of a week, he being then on board, and saying they were a good lot of men, and he did not want to lose "the run of them." The amount of wages had not been then settled, but then Mr. Rumble told them they were to receive a guinea a week and their food. Mr. Rumble also said he hoped they would be contented, and that they should have good food, but no grog. They were to have a guinea a week as long as they remained there, and they were paid the second and third week's wages by Mr. Rumble. Some of the men put the question to Mr. Rumble where the ship was going, and he said that when we came home he should be glad to go halves with us in what we should receive. Witness went on to say that he saw Mr. Rumble constantly on board and looking about as if it was his business to see that everything was fitted up properly, and he gave directions and asked questions—for instance, as to the boiler tubes; and he said that if the men wished to send any of the money to their friends he would see to it. They wanted the men to sign articles; the day they left Sheerness they were sent for "aft," and went down into the cabin. There they saw Mr. Ramsay, Mr. Rumble, Mr. Ferguson, and another gentleman. He did not know if it was Mr. Pearson. Mr. Rumble asked the men if they intended to join the ship. "I," said the witness, "declined to join. I declined to sign articles. Mr. Rumble asked if we would go in the ship on a trial trip, not to exceed fourteen days." Witness said he would go on a written condition, and Mr. Rumble said he agreed to it. Witness produced the "condition," which ran thus: "The undersigned agree to act as firemen on board the s. s. (screw steamer) Scylla, on a trial trip not to exceed fourteen days, at the rate of £8 a month; to be sent to London at owners' expense." This was signed by Mr. Ramsay, and Mr. Rumble was present. Until they started Mr. Ramsay acted as captain. When they got off Calais they looked up and saw a flag flying. He knew what it was, as he had seen it at sea, but he was so agitated about the boilers (which were in a very bad state) that he did not know what was said about it. The new captain came at Calais and sent for the firemen, representing himself to them as their new captain, and told them that they "must consider themselves as confederate men-of-war's men." He wanted to know if they would sign articles, and witness said he would not. Mr. Rumble had offered them £6 a month if they would engage to serve with the ship; that was when speaking of the trial trip. That was what was offered if they would remain with the ship, but the men wanted £8.

ONE OF THE JURY. We wish to know whether at that time it was not asked where the ship was going?

The witness said it had previously been asked of Mr. Rumble, as he had already stated, and no direct answer was made, nor did he afterwards hear him say where the ship was going.

THE JURY. What made you ask as much as £8 a month?

The witness said he had had it before as third or fourth engineer.

The LORD CHIEF JUSTICE. It had no reference, then, to the particular voyage?

WITNESS. No, it had not.

The witness was then cross-examined by Mr. BOVILL. He said that he came home from China about two months ago, and had only received three weeks' wages, (12*s.* 6*d.* a week;) he did not know from whom.

Mr. BOVILL. Was it from O'Kelly?

Witness said he did not know. Being asked as to what had taken place down in the cabin, he said he and Firth, Hurford and others, were there, and that Mr. Rumble said that he was authorized by the "company"—that is, the firm of owners—to pay them a guinea a week. Until he saw the confederate flag at Calais he did not know anything at all about the ship being for the confederates, and when he had signed the paper he had no idea of anything but a "trial trip." The boilers, he said, were very bad, only fit for a trial trip. They might, however, be got into good condition in a few days. The witness went on to state that a government tug took the ship out of harbor the day she left Sheerness. He came up on board and saw the government tug towing her. This statement of the witness appeared to excite some surprise among the counsel for the Crown, and Captain Wise ejaculated angrily that it was false, upon which Mr. Bovill rebuked him, and elicited that he was not there at the time, but he stated that it "was not possible," and that he was sure it could not be the fact.

The SOLICITOR GENERAL, in re-examination, pressed the witness as to when it was he saw the government tug towing out the steamer, and he said firmly and positively that it was the night they left, and when they went out from Sheerness to Calais.

The LORD CHIEF JUSTICE examined the witness closely as to this. He swore positively that he was certain that it was a government tug. He had been in the government service, and knew a government tug when he saw it. There could, he said, be no mistake about it.

The SOLICITOR GENERAL pressed him as to when it was.

The WITNESS. When we went out from Sheerness to Calais; the night we left. (The next witness also, it will be seen, was examined as to the government tugs then engaged.)

The next witness was the man Newman, who said he was referred to Mr. Rumble by a Mr. Greathead, and was referred by Mr. Rumble to the mate. He asked the ship's destination, but could get no satisfactory answer. At last, witness said he told Mr. Rumble that he

would go. He was to go on Wednesday, the 25th of November, but she went on the Tuesday, the 24th, in the evening. He afterwards went to Mr. Rumble about it, and he (Mr. Rumble) said, "I suppose you are aware she has arrived at Calais?" He said he was, as he had seen it in the newspapers, and that she had hoisted the confederate flag. He said that he had been in the American service and on the coast of America, and Mr. Rumble said he "thought he would be a very useful man," and "that he was going to London to see the confederate agent," and would drop witness a note, and he left him with that understanding. Mr. Rumble knew he was in the government service, and asked him if he could get his discharge.

Mr. LUSH. Did he or you say anything about the confederate flag?

WITNESS. No; but I had seen it in the papers that the vessel had hoisted that flag. Being afraid of getting himself into trouble, the witness said, he threw the whole affair up.

Cross-examined by Mr. BOVILL. The witness said that Mr. Greathead, who referred him to Mr. Rumble, was an officer of the dock, and Mr. Rumble referred him to the mate, who was Ramsay. He did not know when the ship was at Sheerness that the ship was for the confederate service; but at the time he had the conversation with Mr. Rumble, after the ship was gone, it was known and was a matter of general conversation that she was a confederate ship. He went on to say that he wanted to make money, and he did not care whether it was in the federal or confederate service.

Mr. BOVILL. Are you quite sure Mr. Rumble spoke to you about the confederate agent?

WITNESS said he was. He was pressed a good deal as to this, but adhered to it, and said that Mr. Greathead and Mr. Rumble's son were present at the time.

Mr. BOVILL. Do you know that Mr. Rumble's son is in the Mediterranean, in the Wizard gunboat?

WITNESS said he knew he was in the naval service; he did not know where.

Mr. BOVILL. Where is Mr. Greathead?

WITNESS said he believed he was at Malta as an engineer in the government service.

Mr. BOVILL elicited that this witness had not been examined before the magistrate, so that he now heard this for the first time.

The LORD CHIEF JUSTICE observed that this was most important, and without asking any decision to be taken at the moment, when the case for the Crown is closed perhaps it may be proper to give you an opportunity of having those witnesses present.

Mr. BOVILL said he was much obliged to his lordship. This was the first time he had heard that they were present. It was true that the solicitor for the treasury, Mr. Greenwood, had two or three days ago very kindly sent him a copy of the depositions, but they did not disclose that these persons were present.

Mr. LUSH pointed out that they did not disclose that young Rumble was present.

Mr. BOVILL said he had not observed it; if he had he should have applied for a postponement of the trial.

The witness was then re-examined as to the tugs, with a view to show that there were only two tugs in the harber, and that, as far as he knew, neither of them was employed to tow the vessel out on the night of her departure. One, he said, was under repair, and could not have gone; the other did not go, as far as he knew.

Mr. BOVILL was allowed, however, to cross-examine the witness on that point, and elicited that he was not quite positive that there were only two government tugs in the port at the time. After which

The LORD CHIEF JUSTICE said: Mr. Solicitor General, after the evidence given by this witness as to the conversation with Mr. Rumble, it would be but reasonable to afford to the defendant the opportunity of producing those persons who were present, because the evidence is calculated, if not answered, to produce a strong impression, and it would be but reasonable, as it has taken the other side more or less by surprise, that they should have an opportunity of producing the two persons who are vouched as having been present. That necessitates an adjournment of the case; and then it it occurs to me that if it is to take place it would be better that it should take place at once, and not, as I at first thought, after the case for the Crown had been concluded; because, after an adjournment at that stage, the evidence will not be so freshly and vividly on the minds of the jury as if it took place now. On the trial being resumed I shall read over the evidence which has now been taken, and perhaps, upon the whole, it will be better to adjourn at once.

The SOLICITOR GENERAL. I think so too.

Mr. BOVILL. I concur in so thinking.

The LORD CHIEF JUSTICE. Looking at the nature of the case, I think it will be so. It is unfortunate that these two witnesses are away, but their evidence is so important that it would not be satisfactory to continue the case without it. The trial then is to be adjourned till the sittings after next term in February. The jury will take care to keep their minds in the mean time free from all impressions upon the case.

Mr. BOVILL observed that he hoped the admiralty would render their assistance to procure and produce the two witnesses referred to, and who were both in the government service.

The SOLICITOR GENERAL said he had no doubt the admiralty would do so. The trial

was then accordingly adjourned until February, and it now came on to be continued, the same counsel appearing as before.

Only eleven jurors, however, appeared, and

The LORD CHIEF JUSTICE, upon taking his seat, asked counsel if they had any objection to try with the eleven.

The SOLICITOR GENERAL said that, on the part of the Crown, he had no objection.

Mr. BOVILL said he was not quite sure whether consent in a criminal case would avail.

The LORD CHIEF JUSTICE. That may, perhaps, be doubtful.

It now turned out that there being two gentlemen of the same, or almost the same, name, one of whom had been upon the jury, the other had by a mistake been summoned for this occasion.

The LORD CHIEF JUSTICE. So we have got the wrong man upon the jury. (A laugh.) I am afraid we cannot go on under these circumstances, as there is a great doubt about consent in a criminal case. All we can do is to fix another day upon which the right juror may be summoned. And the question is, what day shall be appointed? But I cannot displace all the other business of the sittings.

One of the jurors here said: My Lord, I have to leave town on Monday on important business, and cannot possibly be present. I had rather pay the fine.

The LORD CHIEF JUSTICE. Ah, you should not have said that, sir; it may oblige me to increase the fine. (A laugh.) However, we will try to arrange it if we can.

The SOLICITOR GENERAL. It really is a very unfortunate state of things. I need hardly repeat that on the part of the Crown I should be quite willing to try the case out with eleven jurors, though I am fully sensible that we cannot expect my learned friend to consent.

Mr. BOVILL. No; it is a very important case, and we are anxious to have the advantage of a full jury. Moreover, I doubt if we could consent in a criminal case. It might be ground of error that the verdict was given by eleven jurors.

The LORD CHIEF JUSTICE. Then, we will do this: the jury shall retire while I send a special messenger for the absent juror, and then the case can go on when he comes.

The parties and the jurors appeared very well satisfied with this arrangement, and expressed their grateful assent to it.

The jury accordingly retired, and another case was taken, the case mentioned below.

After the lapse of more than an hour the messenger returned and announced that the juror could not be found.

The LORD CHIEF JUSTICE announced that to the jury, and proposed to postpone the case until to-morrow, (this day.)

To this the jury and the parties assented, and the jury were accordingly discharged for the day, and desired to attend to-morrow, (this day,) when the case will be proceeded with.

[From the London Times of February 3, 1865.]

COURT OF QUEEN'S BENCH—WESTMINSTER, FEBRUARY 2.

(Sittings at Nisi Prius, before the Lord Chief Justice and a special jury)

THE CASE OF THE RAPPAHANNOCK.

THE QUEEN *vs.* RUMBLE.

This was an indictment under the foreign enlistment act, the 59th of George III, cap. 69, containing charges both as to the equipping of a war steamer called the Scylla for the confederate service and the enlisting of men to serve in her. The first ten counts charged the defendant with an offence under the second section, in hiring, &c., one James Maloney. The following 110 counts charged him with a similar offence in hiring, &c., eleven other men. The next sixteen counts charged him with counselling and procuring four persons therein named to enlist and enter themselves to be employed in the confederate service, and the remaining thirty counts charged him, under the seventh section, with equipping, furnishing, &c., or assisting in equipping, &c., or attempting to equip, &c., the vessel. Altogether there were 166 counts in the indictment, the number arising partly from the necessity of meeting the numerous words of the statute, and partly by reason of there being separate offences charged as to enlisting twelve different men, as well as the distinct offences charged as to the four men, and also as to the equipping of the vessel. The defendant pleaded "Not guilty."

The solicitor general, Mr. Lush, Queen's counsel, Mr. Hannen, and Mr. W. V. Harcourt appeared for the prosecution; Mr. Bovill, Queen's counsel, Mr. Karslake, Queen's counsel, Mr. Serjeant Ballantine, Mr. Giffard, Mr. Macnamara, and Mr. Talfourd Salter were for the defendant.

The trial commenced in December, when it was adjourned on account of the absence of material witnesses. It was recommenced yesterday, when it was again adjourned on account of the absence of a juror.

The jury having now all assembled, the lord chief justice proceeded to read over his

notes of the evidence taken on the last occasion, which, as we gave it rather fully yesterday, we need not now repeat. His lordship's note of the evidence on account of which the case was adjourned was as follows. It was in the evidence of the witness Newman: "Mr. Greathead was present, and said to the defendant, 'This is the young man I spoke to you about.' The defendant asked me in what capacity. Witness said, 'As leading fireman,' and that he had been in the United States' service. The defendant said he thought I should be a useful man. He said he was going to London to see the confederate agent, and he would drop me a note. His son was present, and he said something as to dropping the defendant a note. Both Mr. Greathead and the defendant's son were present."

It was on account of the absence of Mr. Greathead and young Mr. Rumble that the case had been adjourned, and Mr. Bovill stated that his client had obtained the attendance of both these gentlemen, and they were ready to be examined.

The solicitor general then proceeded with the case for the Crown.

The next witness called was one Bailey, a boiler-maker, who had been engaged for the Rappahannock at Sheerness, and stated that he and one Gifford and seven others went with one Bagshawe (who, it turned out, was a leading boiler-maker in Sheerness dock-yard) to Rumble's house, and that Bagshawe went in and came out with some bank notes, which he gave to Gifford, who distributed them among the men to pay their expenses, and they went to Calais. He said he saw Mr. Rumble on board the boat on the passage to Calais. They arrived at Calais at night, and then went on board the Victor, or Rappahannock, as she was then called, and he worked on the tubes of the boilers, the chief engineer (Ferguson) setting him to work and directing him. He only went, he said, to repair the boilers, and then to go back. He remained on board three days, and then returned, and he did not see Mr. Rumble on board. He left, he said, because, "he did not like the ship's provisions." He then saw Mr. Rumble at Dover, who asked him why he came back, and witness told him, upon which Mr. Rumble said he thought he was foolish for coming back, and asked him if he would return to the ship, to which witness answered that he would not, as the "job did not seem satisfactory;" and as he again mentioned the provisions, Mr. Rumble said that if he liked to go back he should have £10 for fresh provisions. Witness still refused, and went back to Sheerness, and did not return to Calais. The cross-examination of this witness was directed mainly to show that the party with whom he went were all boiler-makers, and the witness said that they were, in fact, a "gang of boiler-makers who went over for a job," Gifford being their "leading man." It appeared that the boilers were in a very bad state, and to complete the job would take about two months' time. And it was elicited that Bagshawe was and is leading boiler-maker in Sheerness dock-yard, and knew witness and the other boiler-makers, most of whom had worked in the yard; and it appeared that witness was now working in Woolwich dock-yard. It was elicited that some one had taken the witness to the American consul after his return from Calais, and being asked who took him there, he said he did not know him, but he was a "gray-whiskered man, whose name was Spencer," and who treated him to drink and gave him a sovereign. There was also a good deal of cross examination about one O'Kelly, who, it appeared, had treated the witness and others of the men a good deal. In conclusion, it was elicited that Bagshawe was at the inquiry at Sittingbourne, but that he had not been seen here to-day.

The next witness was one Thomas Keppell, an assistant carpenter, who stated that in October last, from information he had received, he went to the house of Mr. Rumble, and said he understood that the defendant wanted men for the Scylla (as she was then called,) and the defendant said she was bound for China, and witness could go as steward, and afterwards the defendant sent him on board, telling him to go on board, and that defendant would meet him there, as he did, and introduced him to one Mr. Ramsay, who was then understood to be captain, as "his" steward. (It was not quite clear what this meant—whether Rumble's or Ramsay's.) The defendant, he said, came on board daily at Sheerness, often accompanied by Mr. Greathead, who was in the government service. Mr. Rumble was merely acting, he said, "as a kind of shipping master." The ship, he said, went away in a hurry.

Mr. Bovill objected. She was to go on Wednesday, and she went on Tuesday night.

The witness went on to state that she went away late—half past eleven at night, and there was great confusion on board.

The Lord Chief Justice. How long before did you know she was going?

Witness. Not until we were all "piped on deck." He went on to say that the police had been on board that day, and that Mr. Rumble also had been there; and he had given orders and acted as master, but not that witness heard that day.

The Lord Chief Justice. What did the police come on board for?

Witness. To see if there were any government stores on board. He went on to say that Mr. Rumble used to give orders as to the management of the vessel, and was there the very evening she started, and only about an hour or so before she started. She was towed out, he said, by a government steamer and a private steamer. The government tug was one used at the dock-yard. The vessel went out of Sheerness harbor about midnight, and stayed at Dover, and next day went to Calais, and when in sight of Calais hoisted the confederate flag; and the old name Victor was painted out on its way, and the new name, the Rappahannock, was painted on. He did not see Mr. Rumble at Calais for several weeks, but then saw him on board the vessel, along with Mr. Ramsay, who was in a gray uniform, and was in

command of the vessel until Captain Campbell came, who then assumed the command, and it was said that the vessel was to be a "Confederate States steamer"—"a war steamer," and witness then signed articles.

In cross-examination the witness said he had wished to go to China, and thought he was going there.

The LORD CHIEF JUSTICE. That is, when you were first engaged? You did not think that when you signed articles?

WITNESS. No. He went on to say that the confederate flag was made in the course of the voyage to Calais, and it was made by one of the men who had been a government rigger. He further repeated that a government tug helped to tow the vessel out, and that the master rigger and other of the government officials had been busy in getting the vessel off, and that nothing was said about her being a confederate war steamer until she "sighted" Calais. And until he signed articles he had no idea of enlisting in the confederate service.

The LORD CHIEF JUSTICE. What? not when you saw the confederate flag flying, and were told she was to be a confederate steamer?

WITNESS. It was a matter of compulsion then. But before then I had no idea of going into the confederate service. When he went on board he said Mr. Rumble saw Mr. Ramsay, and introduced witness to him, saying, "Here is your steward." It was then elicited that the witness had been at the American consul's and had seen Kelly there.

Mr. BOVILL. How came you to go to the American consul's?

WITNESS. To make a statement.

Mr. BOVILL. How came you to go there to make a statement?

WITNESS. I understood from some of the witnesses that it was the place to go to.

Mr. BOVILL. Did you hear that some of them had a sovereign?

WITNESS. No. That I will swear. It was further elicited that he asked for a ship, and that this was one of his objects in going there; the other object was to make a statement. He was pressed as to which he did first—ask for a ship or make a statement, and whether he was not on the look-out for a ship. Several other men, he said, had told him to go to the American consul's. He was pressed to name them, and mentioned Firth (one of the witnesses) and Friend. It was elicited that witness had "treated" Kelly and been "treated" by him.

Mr. BOVILL. Now, a word as to the time of the ship starting. Pray, is there anything unusual in a ship starting at night?

WITNESS. No; but there was in that, though.

Mr. BOVILL. What time did she leave?

WITNESS. About midnight.

Mr. BOVILL. Now, do you mean to say that Mr. Rumble was on board within an hour of that time?

WITNESS. Yes, he was.

He was then pressed as to whether he had not on the preliminary inquiry stated that Mr. Rumble left at five in the afternoon, and he admitted that he had, and that he had not said he ever returned. His statement, he said, was made at the American consul's, when one Warner was there. He had been there several times, and always saw Warner there, a man who had had his discharge from the dock-yard. Being pressed as to whether Mr. Rumble had returned on the night of departure after 5 o'clock, he said he had; and being asked if he had ever stated that before, he admitted that he had not. It was elicited that there was to be a lecture delivered that evening by Mr. Rumble, at Sheerness—a lecture on the Habits and Customs of the Chinese. (A laugh.) It was again elicited that there was a government tug engaged when the vessel left Sheerness, although she was not attached to the vessel, and merely showed her the way, and this, he said, "attracted his attention."

It was elicited in the re-examination by the solicitor general that the government steamer was "two or three knots ahead of the vessel," that is, he added, nine or ten yards. (A laugh.) The other tug towed the vessel out; the government steamer "showed the way."

The SOLICITOR GENERAL. Why did you not, when you were at the American consul's, say that Mr. Rumble came back that night?

WITNESS. Because I did not think of it. I did not think of it until this morning. He went below, where I was, and I saw him below. He returned again about ten o'clock.

The next witness was a man named Shaw, who stated he had gone to Mr. Rumble and said, "I hear you are engaging stokers for the Victor," (as the vessel was then called,) and he answered, "Yes, she wants five or six stokers," and he put questions to the witness as to his having been to sea, &c., observing that the ship belonged to a friend of his, and that he could not take upon himself to engage men then, but he did not think there would be any difficulty about it, and that he and the others had better go on board and see the chief engineer, Mr. Ferguson. He afterwards went on board, with others, and saw Ramsay and Pearson, Ferguson, and afterwards saw Rumble, who asked what Ferguson had said, and added that he "expected the owner there," and afterwards he introduced the witness and another to Pearson, the owner. Pearson said "they would be under canvas two-thirds of the way to China." In the result, the witness and several others agreed to join, and Rumble came and said he would see to the remittance of wages to the men's wives, adding, "There are other privileges and *ways of* making money besides good pay;" and Pearson stated that they were going on a

trial trip; that there would be clothes served out to the men before long. It appeared that the men had pressed for higher wages than were offered, and got £6 or £7, or £7 10*s*., a month, instead of £5; and Pearson told one of them not to say what he had, or they would have half the people in Sheerness on board. There was ultimately, however, an altercation between the men and Ramsay, and they declined to sign the articles, "seeing how things were going on," and they then left. They afterwards went to Mr. Rumble, who said, "Now I know what you men want, you would greatly oblige me by going away." They said, "We don't know whether we have done right or wrong, but thought we had better see you for a little advice;" and he said, "I cannot instruct you privately, but you'll have instructions both to your own satisfaction and more too, and you'd greatly oblige me by going away." In January (after the inquiry) they wrote a note to him, in which, it appeared, they said that he did not engage them as firemen for the Rappahannock, and that the captain was the only man they made any agreement with; and they afterwards saw him, and he asked them if such were their statements, which they would swear to, and they replied that they were, and that "they would swear it in the presence of two witnesses," named Parkes and Royston, (who were present,) and they, in the result, went away.

In cross-examination the witness said he had heard that men sometimes made money on voyages to China otherwise than by wages. And he was told that the vessel was going on a trial trip, and he was only to be engaged for fourteen days, which would not suit him, and therefore he declined to go.

The next witness was a man named Thompson, who, on the 27th of November, saw Mr. Rumble at Sheerness, the ship having then gone away, and that, after having been engaged for the ship—then at Calais—he was told by Mr. Rumble, "You won't want clothes; the uniform is gray; there is plenty of cloth on board ship, and it can be made up there when you get over there"—that is, at Calais. In the result the witness was not engaged, and in January last year, (which was after the inquiry,) Mr. Rumble, the witness said, asked him to write a note testifying that he (Rumble) had not engaged him, and he afterwards got them to acknowledge the note before the two persons mentioned by the last witness, Parkes and Royston. The note which the witness had signed was produced, and ran thus, addressed to Mr. Rumble: "We have not been engaged by you, or any one connected with her Majesty's government, to serve on board the Rappahannock." Mr. Rumble said, "Will you swear to that?" and he said he would.

Mr. BOVILL. That is, that the contents were true?

WITNESS. No; I did not mean that, although I said so.

Mr. BOVILL. Oh! then you sometimes say one thing and mean another?

WITNESS. Not often.

The LORD CHIEF JUSTICE. In this particular instance?

WITNESS. I had a motive.

Mr. BOVILL. Oh! you sometimes have a motive for making your statements, have you

WITNESS. Nothing but the truth, I hope.

Mr. BOVILL. Oh! I dare say. We shall see. Pray, were you offered five hundred dollars to make a certain statement?

WITNESS. No, never. Being pressed as to whether Warne had not offered him money, he said "No." Being asked if he had not pressed Mr. Rumble for money, he said, "No." It was then elicited that he had been twice at the American consul's, and met Warne there, the man who had been discharged from the dock-yard. He said he went to the consul's "to make a statement." Being further pressed, the witness went on to state that he had said that he "would tell no more lies about it, but would tell the truth."

Mr. BOVILL. What! you had been telling lies, then?

WITNESS. Yes, I had.

Mr. BOVILL. Did not Mr. Rumble accuse you of telling lies?

WITNESS. No; I told lies in his favor. (Laughter.)

The witness went on to state that he had gone up to the consul's with Hall and Shaw, and they saw Warne and had dinner with him, and his expenses. He had heard that men had money from Beardsall, who was a fitter in the dock-yard, and he himself had money from Beardsall, which, as he understood, came from Mr. Rumble. Being pressed further, he said the note he had written to Mr. Rumble was a lie; and he heard from Mr. Rumble that any man mixed up in the affair would be discharged from the dock-yard.

Mr. BOVILL. Well, you were asked if you could swear to that note, were you not, and you said you could?

WITNESS. Yes; but it was all a lie, a bare-faced falsehood. (Laughter.) He said this was before the preliminary inquiry.

The wife of the last witness was called to confirm him as to Rumble's statement to him, in her presence, that "there would be plenty of cloth on board to make the gray uniforms."

It was elicited in cross-examination that this witness had not been examined since "a little before Christmas," the present trial having begun on the 5th of December.

The next witness was one Hall, a "hammerman," who stated that on the 16th of November he saw Rumble at Sheerness, who told him that he was engaging men for the Scylla, as she was then called. He gave similar evidence to show as to the note he had signed, stating that Mr. Rumble had not engaged or attempted to engage. In cross-examination the witness

stated he had signed it, and had been asked if it was true, but he now said "it was all lies." When asked if he had been at the American consul's the witness was silent, and it was not until after some time, during which he was again and again asked, that he answered that he had been there.

Mr. BOVILL. Do you know how long you have been in answering that question?

WITNESS. Three minutes.

Mr. BOVILLE. Why did you hesitate so long in answering?

WITNESS. (After a pause.) I wanted to be certain; it is so long ago.

Mr. BOVILL. So long ago! You wanted to be certain. How came you to go there?

Witness said "Through Beardsall;" through what he said.

The LORD CHIEF JUSTICE. Through what he said, do you mean; not by his direction?

WITNESS. No; of my own accord.

Mr. BOVILL. Was your statement taken down?

Witness again hesitated some time, and then said it was. All their statements were taken down.

Mr. BOVILL. What made you hesitate?

WITNESS. (Again hesitating.) Because I wanted to be certain that I understood you.

Being pressed as to how he came to go to the consul's, he admitted that he had seen Warne at Thompson's before he had gone. Being asked if Warne had offered him $500 to make a statement, he denied it, or that he had heard it rumored that Warne would give money for a statement.

Mr. HARCOURT, in re-examination, desired to have it understood that it was not at Beardsall's instigation the witness went to the consul's, and proposed to examine into that point, but

The LORD CHIEF JUSTICE said he thought this was sufficiently understood already, and it need not be entered into further.

A man named Newton was called to prove that at Calais, after Captain Campbell came on board, he was called down into the cabin and paid by Ramsay, the defendant Mr. Rumble being there at the time. Witness and others then went home.

It was elicited in cross-examination that Mrs. Rumble also was there.

In re-examination it was elicited that there were officers on board.

By the LORD CHIEF JUSTICE. Some of them were in uniform?

It was further elicited that then it was well known that the vessel was a confederate ship; and some of the men went away, and some remained.

The LORD CHIEF JUSTICE. How long was Mr. Rumble on board?

The witness could not say, not having seen him come or go.

The LORD CHIEF JUSTICE. You saw officers, you say, some of them in uniform. When did they come?

WITNESS. As soon as we got alongside at Calais.

The LORD CHIEF JUSTICE. Did you take them as officers?

WITNESS. Yes; they took charge of the ship, and acted as officers.

The LORD CHIEF JUSTICE. Was the confederate flag flying at the time Mr. Rumble was on board?

WITNESS. Yes, it was.

At this point the court adjourned.

Mr. Seward to Mr. Adams.

No. 1258.] DEPARTMENT OF STATE,
Washington, February 7, 1865.

SIR: It is a truism that in times of peace there are always instigators of war. So soon as a war begins, there are citizens who impatiently demand negotiations for peace. The advocates of war, after an agitation longer or shorter, generally gain their fearful end, though the war declared is not unfrequently unnecessary and unwise. So peace agitators, in time of war, ultimately bring about an abandonment of the conflict—sometimes without securing the advantages which were originally expected from the conflict.

The agitators for war in time of peace, and for peace in time of war, are not necessarily, or perhaps ordinarily, unpatriotic in their purposes or motives. Results alone determine whether they are wise or unwise. The treaty of peace concluded at Guadalupe Hidalgo was secured by an irregular negotiator under the ban of the government. Some of the efforts which have been made to bring about negotiations with a view to end our civil war are known to the whole world, because they have employed foreign as well as domestic agents. Others,

with whom you have had to deal confidentially, are known to yourself, although they have not publicly transpired. Other efforts have occurred here, which are known only to the persons actually moving in them, and to this government. I am now to give you, for your information, an account of an affair of the same general character, which recently received much attention here, and which doubtless will excite inquiry abroad.

A few days ago Francis P. Blair, esq., of Maryland, obtained from the President a simple leave to pass through our military lines, without definite views known to the government. Mr. Blair visited Richmond, and on his return he showed to the President a letter which Jefferson Davis had written to Mr. Blair, in which Davis wrote that Mr. Blair was at liberty to say to President Lincoln that Davis was now, as he had always been, willing to send commissioners, if assured they would be received, or to receive any that should be sent; that he was not disposed to find obstacles in forms. He would send commissioners to confer with the President with a view to a restoration of peace between the two countries if he could be assured they would be received. The President thereupon, on the 18th of January, addressed a note to Mr. Blair, in which the President, after acknowledging that he had read the note of Mr. Davis, said that he was, is, and always should be willing to receive any agent that Mr. Davis or any other influential person now actually resisting the authority of the government might send to confer informally with the President with a view to the restoration of peace to the people of our one common country. Mr. Blair visited Richmond with his letter, and then again came back to Washington. On the 29th instant we were advised from the camp of Lieutenant General Grant, that Alexander H. Stephens, R. M. T. Hunter, and John A. Campbell were applying for leave to pass through the lines to Washington as peace commissioners to confer with the President. They were permitted by the Lieutenant General to come to his headquarters to await there the decision of the President. Major Eckert was sent down to meet the party from Richmond at General Grant's headquarters. The major was directed to deliver to them a copy of the President's letter to Mr. Blair, with a note to be addressed to them and signed by the major, in which they were directly informed that if they should be allowed to pass our lines, they would be understood as coming for an informal conference upon the basis of the aforenamed letter of the 18th of January to Mr. Blair. If they should express their assent to this condition in writing, then Major Eckert was directed to give them safe conduct to Fortress Monroe, where a person coming from the President would meet them. It being thought probable, from a report of their conversation with Lieutenant General Grant, that the Richmond party would in the manner prescribed accept the condition mentioned, the Secretary of State was charged by the President with the duty of representing this government in the expected informal conference. The Secretary arrived at Fortress Monroe in the night of the 1st day of February. Major Eckert met him in the morning of the 2d of February with the information that the persons who had come from Richmond had not accepted in writing the condition upon which he was allowed to give them conduct to Fortress Monroe The major had given the same information by telegraph to the President at Washington. On receiving this information, the President prepared a telegram directing the Secretary to return to Washington. The Secretary was preparing at the same moment to so return without waiting for instructions from the President. But at this juncture Lieutenant General Grant telegraphed to the Secretary of War, as well as to the Secretary of State, that the party from Richmond had reconsidered and accepted the conditions tendered them through Major Eckert; and General Grant urgently advised the President to confer in person with the Richmond party.

Under these circumstances the Secretary, by the President's direction, remained at Fortress Monroe, and the President joined him there on the night of

the 2d of February. The Richmond party was brought down the James river in a United States steam transport during the day, and the transport was anchored at Hampton roads.

On the morning of the 3d the President, attended by the Secretary, received Messrs. Stephens, Hunter, and Campbell on board the United States steam transport "River Queen" in Hampton roads. The conference was altogether informal. There was no attendance of secretaries, clerks, or other witnesses. Nothing was written or read. The conversation, although earnest and free, was calm and courteous and kind on both sides. The Richmond party approached the discussion rather indirectly, and at no time did they either make categorical demands or tender formal stipulations or absolute refusals. Nevertheless, during the conference, which lasted four hours, the several points at issue between the government and the insurgents were distinctly raised and discussed fully, intelligently, and in an amicable spirit. What the insurgent party seemed chiefly to favor was a postponement of the question of separation, upon which the war is waged, and a mutual direction of efforts of the government, as well as those of the insurgents, to some extrinsic policy or scheme for a season, during which passions might be expected to subside, and the armies be reduced, and trade and intercourse between the people of both sections resumed. It was suggested by them that through such postponement we might now have immediate peace, with some not very certain prospect of an ultimate satisfactory adjustment of political relations between this government and the States, section, or people now engaged in conflict with it.

This suggestion, though deliberately considered, was nevertheless regarded by the President as one of armistice or truce, and he announced that we can agree to no cessation or suspension of hostilities, except on the basis of the disbandment of the insurgent forces, and the restoration of the national authority throughout all the States in the Union. Collaterally, and in subordination to the proposition that was thus announced, the anti-slavery policy of the United States was reviewed in all its bearings, and the President announced that he must not be expected to depart from the positions he had heretofore assumed in his proclamation of emancipation and other documents, as these positions were reiterated in his last annual message. It was further declared, by the President, that the complete restoration of the national authority was an indispensable condition of any assent on our part to whatever form of peace might be proposed. The President assured the other party that while he must adhere to these positions, he would be prepared, so far as power is lodged with the Executive, to exercise liberality. His power, however, is limited by the Constitution. And when peace should be made, Congress must necessarily act in regard to appropriations of money, and to the admission of representatives from the insurrectionary States. The Richmond party were then informed that Congress had, on the 31st ultimo, adopted, by a constitutional majority, a joint resolution submitting to the several States the proposition to abolish slavery throughout the Union, and that there is every reason to expect that it will be soon accepted by three-fourths of the States, so as to become a part of the national organic law. The conference came to an end by mutual acquiescence, without producing an agreement of views upon the several matters discussed, or any of them. Nevertheless, it is perhaps of some importance that we have been able to submit our opinions and views directly to prominent insurgents, and to hear them in answer, in a courteous and not unfriendly manner.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1259.] DEPARTMENT OF STATE,
Washington, February 7, 1865.

SIR: We have unofficial information, which seems reliable, that the insurgents are evacuating Mobile and falling back towards Selma.

Through insurgent channels we learn that a column of General Sherman's army has passed Murphy's swamp, and arrived, unopposed, within twenty miles of Branchville; that another column is threatening Augusta; while a third detachment has passed up the North Edisto river, and is threatening Charleston. Re-enforcements are now reaching General Terry, and we may soon expect to hear of effective operations against Wilmington.

In a recent cavalry skirmish, at Moorfield, in Western Virginia, Harry Gilmour, the noted renegade partisan, who led the cavalry raid into Maryland last July, was captured.

The Senate's resolution which has so long been pending in Congress, and which submits to the States an amendment of the federal Constitution abolishing slavery throughout the whole republic, was, on the 21st ultimo, formally passed in the House of Representatives by a constitutional majority of two-thirds of the whole House, and was immediately made known to the States. It has received the assent of several of them already, and sooner or later it will doubtless become a part of the national organic law.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq.,
&c., &c., &c., London.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1261.] DEPARTMENT OF STATE,
Washington, February 7, 1865.

SIR: Your despatch of the 19th ultimo, No. 857, has been received. Your proceedings, related therein, are approved. It is left entirely to your discretion to decide upon the course to be pursued in regard to the prosecutions to which you refer.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 870.] LEGATION OF THE UNITED STATES,
London, February 9, 1865.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1240 to 1246, inclusive, as well as four printed copies of the claims convention between the United States and the republic of Ecuador.

The only event of the past week was the assembly of Parliament on Tuesday. I have the honor to transmit a copy of the Queen's speech. The debates on the address were languid in both houses. I send a copy of the Times of the 8th instant, containing a report of them. The only speeches of interest to us were

those of Lord Derby and Lord Russell. The former, unhappily, betrays the loose manner in which he keeps himself informed of the facts occurring in America. That of the latter is in a better spirit, and less hampered with qualifications than heretofore. You will not fail to note the impression of large impending claims for damages betrayed by him. I have reason to believe that this idea prevails rather generally. This uneasiness is increased by the notices understood to be about to be given of the termination of various existing treaty engagements. The insurgent emissaries and their friends are busy fanning the notion that this is a prelude to war the moment our domestic difficulties are over. They even go so far as to affirm that they, if forced back into the Union, will be the first to advocate the policy. The motive of this is apparent enough. A general consciousness that there has been some good ground for complaint is easily worked upon to stimulate suspicion. I have at no time since the happening of the Trent case perceived a more general restlessness and distrust. I feel it my duty to dwell on this subject a little, in order that the government may be in a better position to adapt itself to this new game of tactics. In the peculiar condition of Parliament, where members are anxious not to commit themselves hastily to any sentiments that may embarrass them in their elections, it is not probable that this feeling will find very free vent. Yet I know that it exists, and would be brought out by any extraordinary event to encourage it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of February 8, 1865.]

OPENING OF PARLIAMENT.

HOUSE OF LORDS, *Tuesday, February 7.*

Parliament was opened to-day with all the solemnity to be conferred on it by a ceremonial which was robbed of its chief pomp and circumstance by the absence of the chief actor. * * * *

As the clock struck 2 the lord chancellor entered the house from below the bar, preceded by the mace and the great seal, and was immediately joined by the other commissioners, who were the Duke of Somerset, the lord steward, (Earl of St. Germans,) the lord chamberlain, (Lord Sydney,) and Lord Stanley of Alderley. When their lordships had taken their seats the black rod was directed to summons the commons, and then occurred another interval of silence and suspense, which was speedily broken by the noise which announces that her Majesty's faithful commons are approaching. In a few minutes the speaker made his appearance at the bar, having his sergeant-at-arms, without the mace, on one side, and the black rod on the other, and followed by a large number of members, who filled all the open space below the bar.

The royal commission was read by the clerk at the table, and the lord chancellor, with his usual distinct enunciation, read the following gracious speech:

"MY LORDS AND GENTLEMEN: We are commanded to assure you that her Majesty has great satisfaction in recurring again to the advice and assistance of her Parliament.

"The negotiations in which the Emperor of Austria and the King of Prussia were engaged with the King of Denmark were brought to a conclusion by a treaty of peace; and the communications which her Majesty receives from foreign powers lead her to entertain a well-founded hope that no renewed disturbance of the peace of Europe is to be apprehended.

"The civil war in North America still unhappily continues. Her Majesty remains steadfastly neutral between the contending parties, and would rejoice at a friendly reconciliation between them.

"A Japanese daimio, in rebellion against his sovereign, infringed the rights accorded by treaty to Great Britain and to certain other powers, and the Japanese government having failed to compel him to desist from his lawless proceedings, the diplomatic agents and the naval commanders of Great Britain, France, the Netherlands, and the United States of North America undertook a combined operation for the purpose of asserting the rights which their respective governments have obtained by treaty. That operation has been attended with complete success, and the result has afforded security for foreign commerce and additional strength to the government of Japan, with which the relations of her Majesty are friendly.

"Papers on this subject will be laid before you."

* * * * * * * *

THE ADDRESS.

The lord chancellor having read her Majesty's gracious speech,

The EARL OF CHARLEMONT said: In rising to move that an humble address be presented to her Majesty in reply to the gracious speech from the Throne, I have to claim the indulgence always granted to those who address your lordships' house for the first time, and in my case I may not unfairly add, that being but recently a member of this house of Parliament, I have had small opportunity of becoming acquainted with its forms or procedure. If, therefore, anything may fall from me not in accordance with the rules or practice of your lordships' house, I hope such may be attributed to my inexperience and want of confidence rather than to intention or neglect. My lords, the speech that has been read from the woolsack, and upon which (in the unexpected but unavoidable absence of the noble duke who was to have moved this address) it becomes my duty to remark, is singularly free from any subject or matter but such as must be sources of congratulation and satisfaction. We are happily at peace with the civilized world, and there seems no reason to apprehend any rupture of our friendly relations with other states. * * * * * Though peace now prevails in Europe, the most gigantic and devastating war of modern times continues in America, and there, too, in spite of occasional difficulties consequent on the interpretation of international law, no deviation has been made in the rule of neutral policy determined upon by this country. Within the last few days intelligence certainly has reached us that affords some hopes of a cessation of hostilities. However that may be, the continuance of this fratricidal contest cannot but be a matter of the deepest regret and concern to this country. The friendship of a great people belonging to a stock and source common to ourselves must ever be of the greatest importance to us. The relations of trade are so enormous, and the requirements of supply and demand between the two countries so mutual, that the more the question is considered the more the termination of this war is to be desired. In India a necessary expedition has been undertaken to punish outrages committed on her Majesty's subjects, and to protect the frontier and to assist our neighboring allies. In Japan a successful operation has been performed by our naval forces in those seas. A rebellious native prince has been brought under subjection to his sovereign, and obliged to conform to the terms of the treaties entered upon between the government of Japan and the maritime powers. In this operation the ships of the other powers—France, the Netherlands, and, I am glad to see, the United States of America—took part. * * * * * My lords, among the many causes for thankfulness and congratulation the generally satisfactory condition of the country as to trade and revenue is, perhaps, of first importance. I am afraid to state what I believe the progress and accumulation of wealth during the last twelve months has reached to; but I am sure, from the information afforded me from various quarters, that the returns will prove favorable beyond precedent. Never, in spite of great financial pressure and much undue speculation, has such an extent of trade met with a parallel. The exports from England and Ireland for 1864 amounted to over one hundred and sixty-three millions. And in addition to this the distress in Lancashire has diminished, though I greatly fear that as long as the American war continues, some considerable amount of distress must prevail. The reports favorable to peace of to-day may to-morrow be contradicted; and it is impossible to foresee what a month hence the aspect of affairs may be. Still there seems reason to hope that along with the abundant stock of cotton now in this country, or on its way to England, there will be employment for a considerable time for those dependent upon that industry. But so long as the price of cotton remains so uncertain there is always danger of the mills being closed, or only working at short time. The cotton which has reached us from Egypt and Brazil, and other foreign countries, has been largely supplemented by importations from India and the East, even, I understand, from Japan, thus adding to the wealth of our Indian empire, and extending our trade relations with other countries. * * * * *

The EARL OF DERBY rose and said: My lords, were it not that I hardly think it quite decorous that the address moved and seconded by the noble lords who have just spoken should be passed without any further notice, I should scarcely have deemed it necessary to trouble you with a single observation on a speech so entirely innocuous as that to which we have to-day all given such placid attention. ["Hear, hear," and a laugh.] That speech, indeed, is one of just such a character as might naturally have been expected to be addressed by an aged minister to a moribund Parliament. [Laughter.] The days of the Parliament are numbered. No medical skill or science can prolong its existence beyond a period of a very few weeks. Its condition, as far as protracting its life is concerned, is absolutely hopeless. All that the most eminent physicians can do for it is to take care that its dying moments are disturbed by no unnecessary excitement, that nothing may disquiet its last hours, and that it may be supplied with just so much gentle occupation as may tranquilly engage its thoughts. [Laughter.] The physicians, of course, will continue to hold their formal consultations on the state of the patient, receive their accustomed fees, [renewed laughter,] and waft it serenely towards its final rest. It is true we have heard it said that there are some ardent attendants on the patient who are desirous of trying a more vigorous mode of treatment; and I am not quite sure that I did not gather from the noble lord who seconded the address an

expression of regret that some more active treatment was not adopted than the homœopathic methods pursued by her Majesty's ministers. ["Hear, hear," and laughter.] I believe that some of those ardent spirits advise a recourse to galvanic action, in order that, if possible, by an electric shock those energies may be roused which have for some considerable time been dormant. But the more experienced physicians, looking to the peculiar condition of the patient, and remembering the effect of former expedients, feel that such a shock might be too much for its feeble constitution, and that it is not unlikely the attempt to infuse fresh vigor into its system would precipitate such a crisis as they undoubtedly have no wish to bring about. [Cheers and laughter.] Another reason for caution on the part of those who prescribe for the patient is that his estate is not entailed, and it is exceedingly probable that when the inevitable dissolution takes place there may be a disputed succession, which may not only give a good deal of employment to the gentlemen of the long robe, but lead to awkward results to those now in close attendance at the sick-bed. [Cheers and laughter.] I therefore, my lords, congratulate her Majesty's government on putting into the mouth of the royal commissioners a speech so admirably adapted to their own position, and to that of the Parliament to which it is addressed. I am sure there is nothing that threatens the feeble constitution of the patient, nothing that can occasion it any unnecessary excitement, and nothing—as far as the speech is concerned—which should tend to accelerate the inevitable stroke that awaits the Parliament in a very brief period. I don't, however, wish to say by any means that there are not touched in the course of this speech some subjects of considerable importance, both as regards foreign and domestic policy, and also as regards the past, the present, and the future. But those subjects, of no small interest though they be, as far as respects the past and the present, are so dealt with as not to call for any expression of opinion or any judgment on their merits from your lordships, And, looking to the legislation shadowed forth, it is certainly not of such a character as to provoke any violent or party controversy, or raise any great or animated political contest. I confess, my lords, on turning to the first paragraph of the speech, over which I desire to pass rapidly and lightly, it alludes to a state of things to which, I think, no Englishman can look back without considerable regret, or without some feeling of humiliation. I will not follow the noble lord who seconded the address by entering into any speculations as to the possible complications which may ensue from that state of things; and I will characterize by no epithet of mine neither that peace which has been the result of these negotiations, nor the conduct of the united powers by which its conditions were dictated. It is satisfactory, my lords, to know, from the assurances received by the government that among the complications which may arise in connexion with the ultimate disposal of the subjugated provinces there is no ground for apprehending that great calamity, a general disturbance of the peace of Europe. [Hear, hear.] My lords, there are one or two points connected with foreign affairs on which I could have desired that the speech had been less reticent. I should have been glad, for example, if we had been furnished with some information as to the state of our relations with the Emperor of Brazil. [Hear, hear.] It is true that Brazil is not a first-rate power, nor one from which we can apprehend any serious opposition; but, at the same time, it is not a matter of absolute indifference to us that we should continue in a state of protracted alienation from a country which had always hitherto been on friendly terms with us, with which we have very large commercial relations, and with which it is our interest in every respect to have a good understanding. And I am compelled to say that for the differences which have existed between us and that state the main portion of the blame rests upon the conduct of the British government, and I should be exceedingly glad if the noble lord the foreign secretary, whether by mediation or otherwise, has taken steps for putting an end to this unfortunate estrangement. I am anxious, therefore, to hear some account from him of the state of our relations with Brazil, and of what may have been done towards restoring that good understanding with it which is so desirable for the interest of both countries. [Hear, hear.] I pass by that most unfortunate civil war in New Zealand—for such it amounts to—without expressing any opinion on the merits or demerits of that question. It is, at all events, a war of the most lamentable character, and every one must feel it desirable that an end should be put to it as soon as possible. Nor will I refer to the engagement with the daimio in Japan, who, in opposition, it appears, to the government of his country, had ventured to provoke the hostility of all the navies of Europe. Neither do I wish to dwell on another little civil war, with respect to which her Majesty's government have not furnished information as to whom the parties are. We learn from her Majesty's message that the condition of India is generally satisfactory; but, nevertheless, we are informed that "long-continued outrages on the persons and property of subjects of her Majesty, and for which no redress could be had, have rendered it necessary to employ a force to obtain satisfaction for the past and security for the future." Who the party is against whom these steps have been taken, from whom redress is to be obtained, what injury has been sustained, we may conjecture and collect from the examination of other documents; but, as far as the Queen's message is concerned, the country is left in the dark as to the party with whom we are at war in India. ["Hear, hear," and laughter.] It is unfortunate to find that the civil war still continues in America; and I join in the expression of a hope, which I am sure every person in this country would rejoice to see realized, that there might be an early cessation of that deplorable contest. [Hear, hear.] It is now nearly three years since the *secretary of state for* foreign affairs, following in the wake of Mr. Seward, announced that he

had every reason to suppose that another month would see the conclusion of the hostilities in America. Three years have gone, and yet those hostilities are carried on with more than usual, I might almost say, savagery; but, at any rate, spreading desolation over large tracts of country, destroying the property of peaceable inhabitants, and tending to embitter and envenom the hatred between the people of the two sections of America to such an extent as, in my opinion, will render future reconcilement impossible, so that the only practicable result would be the separation of the two portions of the country, or the entire subjugation of the one by the other. [Hear, hear.] It is impossible that every one must not earnestly desire any step to be taken that may lead to a possibility of reconciliation, or to a termination of the war. At the same time I am not one in the least disposed to move from the position of neutrality professed, and, I hope, maintained by her Majesty's government; but I confess I look with great anxiety and no little apprehension to some symptoms which appear to me to show that that neutrality has not been received by the party to whom unquestionably it has been most favorable with that good will and gratitude to which I think it was fairly entitled. [Hear, hear.] I do not now refer to expressions published in federal newspapers, or made use of by individuals, or to language in despatches of an official character addressed, to authorities in America with respect to this country, which, under ordinary circumstances, could hardly be regarded as otherwise than provocative of hostility; but to two measures which have received the sanction of the Senate of the United States—one for giving notice of the termination of the treaty of reciprocity with Canada, and the other for giving the still more important notice for the termination of that treaty, by which the force on the lakes is restrained and limited. Of these two measures it is impossible not to say that they are both adopted in a spirit of hostility towards this country. [Hear, hear.] One of them throws open questions of the most delicate and difficult character. The American people have derived, as they do not deny, great commercial advantages from the reciprocity treaty, and its termination is advocated only on the avowed ground that Canada derives still greater advantages. One effect of the termination of that treaty would be, if I am not mistaken, that the whole of the complicated question of the fisheries, from the settlement of which the United States have derived incalculable advantage, would at once be thrown open. [Hear, hear.] I am old enough to remember what serious complications and difficulties questions connected with the fisheries occasioned, and how near to the point of war they led this country and the United States; and now all these questions are gratuitously, and apparently without the slightest reason, thrown open, at the risk and danger of war—than which nothing could be more deplorable—between this country and the United States. [Hear, hear.] It is not a little significant, too, that at the same time when the abrogation of this commercial treaty lays open all these points of danger and difficulty, there is another step taken to abrogate another treaty. For a long period the lakes have served as the means of peaceful and profitable commerce between the two countries lying alongside each other; but I can recollect a period in the late American war when there was a race of ship-building on the two sides of the lakes, and when the party obtaining the supremacy in that matter gained the control of the lakes. [Hear, hear.] That state of things was put an end to by the treaty; but now America is the party who, without the slightest provocation or ground, breaks through that treaty and declares an intention of increasing its force on the lakes, thus rendering it necessary on the part of this country to take corresponding measures. [Hear, hear.] I do not ask the government what steps they have taken, but I do say this, that they will be deeply responsible if they are not awake to the peril in which the country is placed by these two acts of the American government, followed up by an intention to employ a preponderating force on the lakes. That force can only be for aggression; for to speak of an attack by Canada upon the United States is to speak of a physical impossibility. Canada has a long frontier, peculiarly open to aggression, being accessible by water as by land, and unless you have a preponderating power on the lakes, but, above all, if you allow the neighboring power to have a preponderating force there, you place Canada at the disposal of the United States. [Hear, hear.] Under these circumstances I see with additional satisfaction the announcement of a contemplated important step—I mean the proposed federation of the British American provinces. [Hear, hear.] I hope I may regard that federation as a measure tending to constitute a power strong enough, with the aid of this country—which I trust may never be withdrawn from those provinces—to acquire an importance which, separately, they could not obtain. [Hear, hear.] If I saw in this federation a desire to separate from this country, I should think it a matter of much more doubtful policy and advantage; but I perceive, with satisfaction, that no such wish is entertained. Perhaps it is premature to discuss at present resolutions not yet submitted to the different provincial legislatures, but I hope I see in the terms of that federation an earnest desire on the part of the provinces to maintain for themselves the blessing of the connexion with this country, and a determined and deliberate preference for monarchical over republican institutions. [Hear, hear.] Adverting to the state of affairs at home, it is gratifying, no doubt, to be assured by her Majesty's government that the general condition of the country is satisfactory. Her Majesty's speech then goes on to speak of the distress prevailing in the manufacturing districts. Unfortunately, the state of my health has not enabled me to give to the matter the attention I could have desired, but from the reports I have received from time to time there appears no question that the distress has generally abated. We have seen the worst of the crisis, [hear, hear,] and we may now

look forward to a return of prosperity, with some fluctuations no doubt, in those districts. [Hear.] Her Majesty's speech refers to the useful results derived from the act for the encouragement of public works. I am not about to deny that many useful results have proceeded from that act; that many works were undertaken and much employment afforded under it; but I regret to say that the persons deriving the greatest advantage from the application of the act did not belong to the class it was intended to benefit. The advantage derived by the cotton operatives was infinitesimally small, though, no doubt, they gained an advantage from the general benefit given to trade. With every desire to carry on works which would be of benefit to the community, I think the poor-law board were hasty in accepting proposals—at least, I am acquainted with some singular instances of the kind—for works which required a large amount of skilled labor and an infinitesimally small proportion of that unskilled labor, which it was the principal object to employ. [Hear.] I confess that I was not able to follow the details brought forward by the noble mover of the address, and the statistics by which he proved to his own satisfaction, and no doubt to the satisfaction of those who heard him, the increasing prosperity of Ireland. The patriotism of the noble earl undoubtedly led him to give to the subject a larger amount of attention than is consistent with the space assigned to it in the Queen's speech, though not larger than the importance of the subject well deserves; and I am sure your lordships will be gratified to hear from his own personal experience a confirmation of the statement that Ireland is really becoming more prosperous. [Hear.] I will not comment upon the domestic legislation which we are promised in the course of the present session. It may be of a very useful, it certainly is not of a very exciting, character; and, with regard to any measures of the kind which may be proposed, I am sure that your lordships, without distinction of party, will endeavor to remedy existing evils. There is one subject as to which I regret that legislation is intended—I mean the report of the commissioners of public schools. That report was a very valuable one, and contained an immense mass of useful information, with some practical suggestions. Perhaps, in the presence of my noble friend opposite, (the Earl of Clarendon,) who was a distinguished member of the commission, I should not say—

"Sunt bona, sunt quædam mediocria, sunt mala plura
"Quæ legis."

[Laughter.] But this I will say, that those suggestions in the report require earnest and careful attention. I think, moreover, it would have been very desirable that another year should be given to enable the governing bodies of the public schools concerned to take into consideration the recommendations of the commissioners, and see what portion of them they could, with advantage to the institutions over which they preside, of their own accord introduce. [Hear, hear.] I am sure that voluntary amendments on the part of the authorities would be likely to prove more satisfacotry in their working than those forced upon them by parliamentary legislation. Moreover, my own opinion is, that while aiming at theoretical excellence and proposing schemes which look extremely well upon paper, the result may be to introduce in practice a state of things which will not work as satisfactorily, and will not, on the whole, be as productive of good results as even the existing state of public schools, with all their faults, much less the state of those schools if reforms were introduced by the voluntary action of the authorities. [Hear.] I need not say that I have no intention of offending any opposition to the address, which, like the speech, offending no prejudices, calling for no declaration of opinion, and being perfectly innocuous in itself, will command, if not the hearty, at least the unanimous assent of your lordships. [Cheers.]

EARL GRANVILLE. I am happy to find that the speech of my noble friend answers so well to his description of the address—that it is extremely innocuous, and renders my task in following him comparatively an easy one. My noble friend is not one to let an opportunity pass; and we may safely assume, therefore, that if he attacked nothing, there was nothing he could attack with justice, and that though so cunning of fence, he could discover no weak joint in our harness. The noble earl has displayed throughout a good humor and a kindness which I cannot but appreciate; and I am sure that your lordships will rejoice that he is here among us in recovered health and apparently so strong and well. [Cheers.] It occurred to me that that recovery might be one reason for my noble friend's good humor, and that a second might be the great literary success he has lately achieved, as to which I am sure there is not one of your lordships who does not feel pride and satisfaction at the additional lustre which has been given to this house by one who is certainly among its brightest ornaments. [Cheers.] It turns out, however, that these were not the reasons why my noble friend was so good-humored, congratulating the house that this was a round speech adapted to a round hole, but that his satisfaction arose from the fact that he hopes to lie quiet for a few months, tranquilly expecting that the next Parliament will see him wafted into office and enjoying the sweets which come with office. The noble earl in short, is ready just now to forgive us all our faults, because, to quote the very terse words of his own translation, he looks

"To fill his coffers with the spoils of war."

[Hear, hear, and laughter.]The noble earl's speech really requires very little answer. He touched lightly upon the termination of a war which while it continued was very painfully *felt in this* country; and with regard to certain little wars of our own, I am glad that he

finds no fault with the eminently successful expedition in Japan, which will, I hope, insure for us very considerable advantages in that country. The noble earl also abstained from any criticism with regard to the war in New Zealand. Now, I am sure that her Majesty's government feel as deeply as any person their responsibility as to that war. We believe that the war has now arrived very nearly at a conclusion, and the only object of the government has been to bring it to such an end as to show the natives the superior power of this country, and to insure a peace which will give safety to the colonists, while affording to the natives guarantees for all their just rights. By an omission in the speech, the locality of the war in Bhootan has certainly not been very accurately defined; but it is impossible to deny that it is a just and a necessary war.

The EARL of DERBY. I did not know what it was all about. [Laughter.]

EARL GRANVILLE. There are certain districts called the dooars, which belong partly to the natives and partly to her Majesty's government. For many years it has been the constant practice of the mountain tribes to pour down from their fastnesses and carry off into slavery men and women, the subjects of her Majesty. Mission after mission has been sent with a view to put an end to this state of things, but in vain, and Mr. Eden not only entirely failed in obtaining reparation, but suffered injury in health, and hardly escaped with life. An expedition was therefore sent; two forts were evacuated, and one was taken with hardly any loss beyond that inflicted by an accidental explosion in our own lines. We now hold those forts, and intend so to hold them, taking precautions, at the same time, against similar aggression. Among the other subjects on which the noble earl dilated was that of the severance of diplomatic relations with Brazil; and I am sure he will be glad to learn that negotiations are going on for the amicable settlement of that question. With regard to our relations with the United States, I think it is desirable that, now or at some future time, your lordships should hear some statement from my noble friend (Earl Russell.) Meanwhile, it should be remembered that if, in the instances alluded to by the noble earl, the people of the United States have shown some irritation, there is no doubt they have had some cause for irritation arising out of the confederate raids across the frontier. Ample time, however, remains for friendly negotiation between the two governments. As to the operation of the public works act, my noble friend must remember that it is almost impossible but that a certain portion of the funds expended under that act should go to others than the cotton operatives. With regard to the state of Ireland, I am sure that your lordships must have listened with satisfaction to the most interesting account given by the noble earl (Charlemont) of the growing prosperity of that part of the United Kingdom. No doubt there is still distress in certain counties, but the statistics given prove conclusively that, on the whole, the trade and manufactures of Ireland have greatly increased, and show great promise for the future in the only way which will permanently benefit that country. [Hear, hear.] I must say I do not agree with the noble earl in his estimate of the value of the public schools report. In so long a report it is not likely that every sentiment should stand the test of minute investigation and sifting. I believe that report has been of great advantage, and when my noble friend behind me (Lord Clarendon) introduces a bill, which I hope he will do shortly, to carry out its recommendations, the noble earl will find that we do not intend to deal with the subject in that rapid, decisive way he supposes, without giving time for consideration to the parties most interested and most competent to deal with it. My lords, I think it is a very gratifying thing for the country to see both parties, at the opening of what the noble earl justly calls a moribund Parliament, agreeing as to the really satisfactory state of affairs; and when we consider all the advantages we enjoy—that we have a peace which is not likely to be broken—the satisfactory condition of our commerce and of our revenue, and the loyalty which is felt in every part of the country, we must feel that we have every reason to be grateful. [Hear, hear.] And what ought to make us still more proud of the good government which must undoubtedly have prevailed among us, is to find that our North American colonies, in expressing their wish to continue their connexion with this country, and in adopting the new institutions they have been considering with such calm and prudent statesmanship, have thought it desirable to keep as close as possible to the constitution and institutions under which we so happily live. [Cheers.]

EARL RUSSELL. It must be very satisfactory to her Majesty's government to find that the noble earl opposite, who, on former occasions, has criticised foreign affairs with remarkable asperity, should, upon this occasion, have so little fault to find. At the same time there were two subjects upon which the noble earl wished for information which I am partly able to give. The noble earl spoke of Brazil, and seemed to think that the commencement of the interruption of diplomatic relations between that country and this was a matter of blame to her Majesty's government. Now the cause of that interruption was, that an English merchant ship having been wrecked upon the Brazilian coast, that ship was pillaged and the bodies of her crew were found, but no account was given as to how those persons came by their deaths. Does the noble earl mean that her Majesty's government were to feel no interest in the lives and property of her Majesty's subjects, and were not to ask for inquiry into the matter? This was all that her Majesty's government had done. We asked for inquiry. That inquiry was not granted. We then asked for that to which, by international law, we were entitled—we asked for an indemnity for this pillage and probable murders. [LORD CHELMSFORD. Possible murders.]

I beg pardon, probable murders. I do not think, after the report of Admiral Warren, any one can doubt that some or a majority of the crew were murdered by the lawless people who inhabit the coast. We asked for an indemnity, and that not being given, her Majesty's government then ordered reprisals, which reprisals were carried into effect, and then a certain sum was paid by the Brazilian government on account of that for which we claimed indemnity. The Brazilian government did not ask for anything on account of that payment, which was in itself a confession that they had been wrong in refusing inquiry. For my own part, I shall never feel regret at having shown anxiety to ascertain the fate of some of her Majesty's subjects. But the Brazilian government said although they made no complaint on the score of the reprisals, yet they did think that the manner in which those reprisals were carried into effect showed a disposition to offer an affront and an indignity to Brazil. We entirely denied any such intention, but the Emperor withdrew his representative. After that the King of Portugal offered his mediation. We willingly accepted that mediation, and the King of Portugal's ministers prepared terms which her Majesty's government duly considered, but did not think that they were terms to which they could possibly accede without giving up rights belonging to her Majesty and all other maritime powers. Afterwards, when our counter propositions were sent, they were not accepted, and three or four days ago I received official information that they had been rejected. Her Majesty's government, however, are sincerely anxious to restore diplomatic relations with Brazil, not pacific relations, for we have always been on peaceful terms with that country; and we have made other propositions which we hope the King of Portugal will convey to the Brazilian government, and which we trust may lead to the renewal of diplomatic relations. If we had intended any affront to the Emperor of Brazil by the manner in which reprisals were executed, we should have been to blame; but no affront was ever intended, and we only executed those reprisals in the manner in which other powers carried them into effect, and as even the Emperor of Brazil himself has done, who, having a complaint against the republic of Uruguay, has made reprisals, and has actually occupied a large portion of the territory of that republic. The Emperor of Brazil has thought himself justified by the grievances of his subjects to make reprisals upon the republic of Uruguay, and we can never admit that a power which by the law of nations the Emperor of Brazil possesses is not a power which her Majesty, as one of the great maritime powers of Europe, does not also possess. The other subject to which the noble earl has referred is one of very great difficulty, and to which I should not refer had it not been that I think the noble earl has hardly done justice to the two parties to the dispute, and has not sufficiently allowed for the irritation which prevails in the United States on the subject of the war now raging. What I think is the injustice of the government and Congress of the United States towards ourselves is this, that they seem to expect not only that we should do everything which the law of nations demands, and which the municipal law of this country enables us to do, but they seem to expect that we should be altogether able to prevent any aid being given to their enemies—the Confederate States, who are opposed to them. Now, her Majesty's government have used every means in their power from time to time to prevent war being carried on from this country as a basis against the United States of America, which are in peaceful relations with us. At the same time, it has been impossible to prevent acts which have caused, and naturally so, I think, great irritation in America. We have had ships fitted out here and afterwards sent to a distance, where they have first of all received armaments and a commission, and have then preyed upon the commerce of the United States. We have had in our hands correspondence which shows that the confederate agents were continually employed either in building ships in this country or in buying merchant ships which might afterwards be sent to France and other stations for the purpose of being fitted out as cruisers against the commerce of the United States. Now, the authorities of the United States have, I think, naturally enough, felt greatly irritated at seeing a number of ships, which have come in some way or another from English ports or English rivers, afterwards fitted out as men-of-war for the purpose of acting against their commerce. But they ought certainly, at the same time, to ask this question, whether her Majesty's government have done everything which the law of nations authorizes, and which the municipal law of this country permits, to prevent this country from being made the basis of warlike operations, so as it were to involve the people of this country in war against the United States. I am not, however, at all surprised that they should feel annoyed and indignant when they find that those who are the friends of the United States should have their territories chosen as the basis of those operations. So again with regard to Canada. The noble earl seems to imagine that the United States are influenced by no motive save that of mere hostility against this country, as he termed it, in denouncing that useful convention with regard to the lakes. The fact is, however, that the confederate government apparently determined, if possible, to involve this country in the conflict, finding that their own resources were unequal to the task of waging a successful war. They sent their agents into these lakes, which are not in their territory, but which belong either to the United States or to the United Kingdom of Great Britain, to seize the ships which were navigating those lakes, and which belonged to the United States. I say again, I am not surprised that the United States, considering the Canadian lakes as the possession of a sovereign friendly to themselves, should feel indignant at finding those lakes chosen as the basis of operations against their vessels. The United States now say that if they remain in those lakes without cruisers the confederates will seize *their ships*. It will be a very painful thing, and a matter of some danger to the two coun-

tries, if the United States and Great Britain are obliged to put an end to or suspend the convention which has been so useful, and which has contributed so much to the maintenance of peace between the two countries. It may be natural upon the part of the confederate States, but, for myself, I think that in their attempt to make the Canadian soil the basis of operations. some of them bearing the character of a belligerent, but others resembling the acts of robbery and murder which take place in social life—that in that attempt they do what is most unjustifiable, and I trust her Majesty's government will be able, as they have done hitherto, to preserve a neutrality in that part of her Majesty's dominions. At the same time, accompanying that irritation to which I have alluded, there has been a tendency with respect to two questions to make the most unfounded imputations against the government of this country. There have been complaints that we have acknowledged the belligerent character of the Confederate States. But, my lords, looking at the character of the contest, looking at the immense territory possessed by the confederates, looking at the great war operations which they have carried on, what could her Majesty's government do but allow that the character of belligerents belonged to the Confederate States? [Hear, hear.] I know no instance of so mighty a war being carried on without a belligerent character being allowed by neutral states. [Hear, hear.] Another question may arise, for now and then we hear a threat that the day is coming when the United States will make a demand upon her Majesty's government. That question, as your lordships heard last year and the year before, is, that a demand should be made by the United States of America on account of the capture and destruction of merchant vessels by the Alabama and other ships, which, being originally built in England, were afterwards taken to distant ports, there to receive their armaments, and thus to be enabled to cruise against the property of the United States. Looking at the precedents in international law, looking at the declarations made by the United States themselves in the case of Spain and Portugal when ships destined to prey upon the commerce of those two countries were more directly fitted out in their own ports, such a claim upon the government of this country would be extremely unfair. Therefore, while I say we are bound to make every allowance for the irritation that may arise in the United States in the course of a war which has come upon them unexpectedly, which has caused to both sides great losses, and which we believe to be unnecessary, still, while we are most strict and scrupulous in performing duties of neutrality, we cannot allow that any of these claims are justly preferred. I cannot avoid saying, however, before I sit down, that when I see a desire to put an end to involuntary servitude in the Constitution of the United States, I do rejoice, because a great blot is about to be removed from the character of civilized nations, and because the horrible and abominable crime of slavery is to be blotted out forever.

The address was then agreed to, and the House rose at twenty-five minutes after seven.

HOUSE OF COMMONS, *Tuesday, February 7.*

THE ADDRESS.

The speaker having read from the chair the speech delivered by the royal commissioners,

Sir H. WILLIAMSON, who wore the uniform of an officer in the yeomanry, in rising to move the address in answer to the royal message, prefaced his remarks by asking for the indulgence of the House, of which he said he stood the more in need, inasmuch as having had but a very short time the honor of occupying a seat in Parliament, he was entirely ignorant of the rules and regulations by which its proceedings were governed. * * * * * * * * * * * The next paragraph of the speech had reference to the American war, and on that subject he felt assured the House was glad to find that it was her Majesty's determination to adhere to the policy of neutrality which she had hitherto pursued. [Hear, hear.] Such was the policy which had been adopted, not only by the government, but by the country at large, and he could not, therefore, understand why it was that a portion of the press as well as of the people of the North American States should entertain feelings apparently so unfriendly towards England. [Hear, hear.] But be that as it might, we had abundant proof that the President of those States was determined to uphold friendly relations between the two countries, for he had upon a late occasion disavowed some intemperate and imprudent language which had been used by his subordinates tending in that direction, and no one, he believed, could find fault with the manner in which delicate questions involving British interests were dealt with before the American admiralty and prize courts. In those circumstances sufficient evidence was, he thought, to be found to show that the Executive at Washington were resolved to abide as far as they were able by the treaty engagements with this country. * * * * * * *

MR. HANBURY TRACEY'S REMARKS.

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Contrasting the present condition of foreign affairs with that existing at the corresponding period of last year, there was ample cause for congratulation and for the hope that peace

would be maintained in Europe. Although grave questions remained still open and might not be settled without disturbance, yet, on the whole, a strong disposition was manifested to settle disputes by other arbitration than that of the sword. As these tendencies exerted themselves over a wider and wider area, they might look forward to an era when the gigantic horrors of war would cease, and the resources and happiness of all the civilized nations be proportionately increased. [Hear.] But we could not look to the state of affairs on the other side of the Atlantic with feelings of similar satisfaction. There we had to lament not only the devastation and bloodshed of a gigantic war, but also that the struggle had given rise to an unprovoked feeling of hostility to this country. It was with great pleasure that we could turn away from this deplorable prospect to contemplate the movement which had been recently initiated by our fellow countrymen in that continent. He referred to the proposals which had recently been made to form the British provinces of North America into a confederacy which it could hardly be doubted would become important and powerful. When we considered the present state of those provinces and the difficulty of defending them separately from attack—when we considered their vast importance and the field which they opened to enterprise, we could not but view those proposals with unmingled satisfaction. [Hear, hear.] The anxiety which had always been expressed by that House with regard to the defence of Canada, in case of rupture with the United States, convinced him that when this important question, involving as it did the charter of Canadian liberty, came before them, it would be discussed with no party feeling, but with the simple desire of promoting the good of the empire. [Hear, hear.] The day had gone by when England could look with jealousy and suspicion on every act of her colonies, when the least symptom of combination among them would be regarded as an omen of their desire for severance from us. [Hear, hear.] England was no longer jealous of her children, but viewed this movement with a feeling of admiration mingled with wonder at the spirit of loyalty which the five provinces had shown. Before passing from that subject, he desired, as an independent member of that House, to express his sincere hope that the future of Canada would not be marred by an injudicious adherence to high protective duties. [Hear, hear.] Canada excludes our commerce notwithstanding all that we have done and are still doing for her, for we are still spending in her defence every year nearly a million of money. He sincerely hoped, therefore, when the proposed incorporation should take place, that we should hear less and less of hostile tariffs for the future. [Hear, hear.]

Mr. KINGLAKE said the government had, since the prorogation of Parliament, taken a step which was of very considerable importance, more especially in as far as it touched our friendly relations with the government of Washington. It would be remembered that on the last day of the session he had the honor of submitting to the House some considerations on the subject of the then proposed recognition of the imperial government of Mexico, and, in answer to his representations, the noble lord (Palmerston) was so good as to make a statement which was worded with that precision which hardly ever deserted him. He spoke, he believed, with an accurate recollection of the words. The noble lord said: "If we find matters still uncertain and a war going on which may result one way or the other, we should say that is not a state of things which would justify us in recognizing the Archduke of Austria as the Emperor of Mexico." That was the assurance which the noble lord gave to the House in the month of July. A very few month afterwards her Majesty's government did propose to recognize the Archduke of Austria as the Emperor of Mexico. Of course, he was entitled to suppose, and he still supposed, that her Majesty's government must have had information which in their view justified them in taking such a step consistently with the assurance which they had given to the House. But he observed that shortly after the actual recognition on the part of her Majesty's government, the President of the United States delivered his message to Congress, in which he distinctly stated that the war in Mexico was still raging. Here, then, were two opposite authorities—her Majesty's government recognizing the archduke as if the war had virtually come to an end, while the President of the United States informed the world that the war was still going on. When they came to inquire which of these authorities was best supported by facts he was bound to say that the current of testimony was very strong in favor of the statement made by the President of the United States. Hardly any mail came from that part of the country without bringing some narrative corroborative of it. Judging from the accounts published so lately as December 28 by an organ trusted by the noble lord and also by the French government—he meant the Morning Post—there could be no doubt the campaign was going on in the south of Mexico, and it appeared that the French had met with a very serious reverse. It was of great importance that such a step as the recognition of this government should not have been taken thoughtlessly, and he was bound to suppose that it had not been so; for the House was aware that the people of the United States had upon this subject a feeling, which he owned appeared to him to be not based on right principles, but which, nevertheless, was entertained by them with a degree of enthusiasm hardly exceeded by what they felt on the subject of the civil war, maintaining as they did the Monroe doctrine, and forming as they seemed to have done, the determination to make all sacrifices rather than permanently allow the establishment of any European government in the state of Mexico. Under these circumstances he trusted the government would be prepared to lay papers before the house showing the grounds on which, after the decided assurance given by the noble lord, they felt themselves justified in recognizing the Archduke of Austria as Em-

peror of Mexico. He hoped he might express a hope that such papers were now ready to be laid on the table. The honor of the government required that not an hour should be lost in showing that the recognition of the archduke as Emperor of Mexico was an act consistent with the deliberate assurance which the noble lord had given to the House.

Mr. Adams to Mr. Seward.

No. 871.] LEGATION OF THE UNITED STATES,
London, February 9, 1865.

SIR: The rebels are so fruitful of schemes of all sorts, and are so apt to be elated by the very last one, notwithstanding all preceding it have failed, that your communication in your despatch No. 1245, of the 23d of January, did not surprise me. The theory broached in the article of the Richmond Sentinel is not novel in my experience in London. I saw it long ago gravely put forth in the columns of an evening paper, as communicated by a correspondent by the name of Cowell; and it has, from time to time, been brought up in the editorial department ever since. The Richmond correspondent of the Times tried it once in that paper. It has made no impression whatever. The device will go the way of its thousand and one predecessors, to oblivion. I was gravely informed the other day that it was reported to be a notion held by Lord Russell. If so, he has taken good care to give no hint of it either in his language or his action. Whatever he may hold as a theory, I have some reason from him to believe that he does not expect that it or anything far stronger will avail the insurgents for long.

There has been another rumor started since, which has been used for a few days to sustain the public confidence in the cotton loan. This is connected with the appearance of Mr. Gwin in Mexico, and the story that he was to be the viceroy of the Emperor Napoleon, who was to receive from Maximilian the cession of the northern States.

The hope here has been that this news, when circulated in the United States, may prompt some hasty and violent conduct in Congress or among the people which will embroil us with the French nation. Of course you will receive more accurate information with respect to this matter from the proper source in France than I can give. But my conviction is that it is a bugbear worked out of the usual thin materials.

The capacity of these men for the intriguing portion of politics is marvellous.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 872.] LEGATION OF THE UNITED STATES,
London, February 9, 1865.

SIR: I transmit copies of the Times containing a report of the close of the trial of Mr. Rumble.

From the result of this proceeding I have come to the conclusion that no justice to the United States can be expected from pressing prosecutions under the enlistment act in the courts of this kingdom. A more flagrant example than this one could scarcely occur. I do not consider it advisable to make efforts to repeat such an experiment with any co-operation whatever on the part of the United States.

The process is just this: So far as I have any information no attempt has

yet been made by this government to initiate measures to prevent or punish violations of the enlistment law. It waits for information from this legation, and expects that this will be based on legal testimony. After proceedings have been commenced it expects that we shall not only supply but keep in hand the witnesses to be relied upon in the prosecution. The consequence is, that the labor of holding a class of people proverbially needy, unstable, and peculiarly liable to be operated on by counter influences, is devolved upon us. When the case comes up for trial it is the natural resource of the lawyers in the defence to attempt to discredit and to cast odium upon those witnesses as suborned by a foreign government in order to crush a respectable Englishman. Such was the game played in this case, and the prosecuting officers, instead of denouncing the whole of it with a proper share of indignation, and doing their duty in protecting both the witnesses and the foreign government, appear to have acted only as if afraid lest some trifling share of the odium might possibly fall upon their own shoulders.

Neither is this the worst of the matter. In the very midst of a criminal prosecution the chief justice, perceiving that the name of a man not present was implicated by the testimony of one of the witnesses for the prosecution, and learning that he was at Malta, actually breaks off the hearing in the middle, and postpones it for several weeks—long enough to procure the return of that man. The jury and the witnesses for the prosecution, mean time, are left open to any influence which a crafty man, like the prisoner, may be able to bring to bear upon them. We have abundant proof of the outrageous manner in which he actually did operate on the latter, some of whom he succeeded in spiriting away. I have myself little doubt that the man who did not scruple to tamper with them, would not hesitate to do the same with the jury. After the trial was resumed, the fact appears plainly enough that their minds were made up long before the close. And the chief justice was so far befogged by his British sympathies as not to care to penetrate the game that was playing, and actually to intimate very broadly in his charge a belief that the foul play was carried on by the government most interested in the prosecution.

From a view of these circumstances, I have come to the conclusion that, instead of attempting further to supply facilities for this kind of proceeding, the United States should, in future, out of regard to its own dignity, confine itself to furnishing the information, and throw the entire responsibility for the conduct of all legal measures upon the British authorities.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the London Times of February 4, 1865.]

COURT OF QUEEN'S BENCH, FEBRUARY 3, 1865.

(*Sittings at Nisi Prius, before the Lord Chief Justice and a special jury.*)

THE CASE OF THE RAPPAHANNOCK.

THE QUEEN *vs.* RUMBLE.

This was the third day of the trial of this case—an indictment under the foreign enlistment act, against an officer in her Majesty's dock-yard at Sheerness, for assisting in the manning and equipping of a vessel-of-war, with intent that she should be engaged in the service of the Confederate States. The indictment contains, first, the charges under the former of these heads, the manning; and next, the charges under the other head, the equipment. There are 110 counts, (in sets each of ten counts,) charging that the defendant procured, or attempted to procure, eleven men, named Maloney, Firth, Ginno, Hurford, Brooks, Bailey, Goode, Newton, Spencliff, Thompson, Hall and Shaw, to enlist in the service; and there are sixteen more counts, charging that he counselled four of them (Maloney, Brooks, Goode and Newton) to enlist and serve. Then there are thirty counts, charging that, as in

the Alexandra case, he equipped, furnished or fitted out, or attempted to equip, furnish or fit out, the vessel in question for the confederate service. The trial, which began in December, was resumed yesterday, when the case for the Crown was continued, and Bailey Newton, Thompson, Hall and Shaw (all of them mentioned in the indictment) were examined, and to-day the case for the Crown continued.

The solicitor-general, Mr. Lush, Q. C., Mr. Hannen and Mr. W. V. Harcourt, appeared for the Crown; Mr. Bovill, Q. C., Mr. Karslake, Q. C., Mr. Serjeant Ballantine, Mr. Macnamara, Mr. Giffard and Mr. T. Salter were for the defence.

The first witness called to-day was the man Ginno, (one of those mentioned in the indictment,) who went to Calais, and said he saw Mr. Rumble there, and also on board. He was engaged, he said, as a stoker, and Rumble paid him first on board the ship, and paid others of the men. He joined the ship a fortnight before she started, and he and others were at work cleaning the boilers. Mr. Rumble, he said, came on board at different times, but the witness did not hear him give any orders. When the ship started she was not fit to go to sea, and he did not know she was going until the morning of the day she started. There were, he said, plenty of provisions on board, several sheep and calves, and plenty of bread; and at Calais the officers were in uniform.

Cross-examined by Mr. BOVILL;

I did not know that she was a confederate vessel until we were crossing to Calais. I suppose there were plenty of provisions on board. I should think there were about 100 tons of coal on board. She would consume twenty-five tons a day. That would be only enough for a trial trip. When she went to sea she was not fit, because the water would not keep in the boilers, as all the tubes wanted refitting. At Calais, after I left the ship, I knew O'Kelly under the name of Williams. When Mr. Rumble paid me the sovereign he may have said that the owner was away, and had asked him to pay us.

Richard Spencliff, examined by Mr. Hannen, said that he was a stoker, and got a character from Mr. Rumble in order to get on board the Scylla. He saw Mr. Rumble on board three or four hours before the vessel started. He was looking after government stores. He also proved the facts sworn to by other witnesses, as to the captain coming on board and mustering the men and endeavoring to enlist them.

Cross-examined by Mr. KARSLAKE:

The police were on board at the same time as Mr. Rumble, looking after government stores. That was the last time I saw Mr. Rumble.

The LORD CHIEF JUSTICE. Was the state of the boilers known before you left, or was it known only when you were on the passage?

WITNESS. We only found it out on the passage. I did not know that we were going to Calais when we left Sheerness.

James Maloney, examined by Mr. V. HARCOURT. [This was the first man mentioned in the indictment.] I saw Mr. Rumble at his house, and asked him if he was shipping men for the Scylla. He said I could go out as a fireman on board the ship. Then I went on board. I was at work a week before she went away. Mr. Rumble paid me the week's wages in his own house. A Mr. Howe paid the other men, but told me to go to Mr. Rumble. I saw Mr. Rumble on board three or four times. I went to Calais with the ship, but only stayed two days with her there, and then went away for two days. While I was away I saw Mr. Rumble. Brooks was with me. I asked him if I could go to work on board her as a boiler-maker. Mr. Ramsay was with Mr. Rumble. Mr. Rumble asked Mr. Ramsay what sort of men we were. He said he had no fault to find. Mr. Rumble then said, "Then you can go down to work." I remained about fourteen days working at the boilers. The captain paid me for seven days' work only. I then came back to Sheerness. I afterwards went to Mr. Rumble's house and asked him for my pay. He said he didn't know anything about me. Mr. Brown, the owner of the ship should have paid me. He said he would meet me at the Fountain hotel. He didn't come there, so I went to his house again. He said he had been poorly and couldn't come down. He then gave me a sovereign. His wife was there. I took the sovereign. My wages were £1 5*s*. 8*d*. The same evening I went to Mr. Howe's. He gave me £1 5*s*. 8*d*. I then went back to Mr. Rumble, and gave him back the sovereign he had given me.

In cross-examination, the witness confessed that the sovereign was given to him by Mr. Rumble until he could get his wages, he being at the time out of work. He also said that Mr. Rumble said he never engaged him at all, and then he threatened to summon him. He had had 10*s*. a week, since then, in order to keep him at Sheerness. He always understood they were going a trial trip.

James Brooks was then called, and examined by the solicitor general:

I went aboard the Scylla as leading fireman, when she was at Sheerness. Captain Ramsay paid me my wages; I can't say whether Mr. Rumble ever paid me. Maloney and I left because we didn't like the color of the flag. I remember meeting two gentlemen, one of whom was Mr. Ramsay; I don't know whether the other was Mr. Rumble.

In cross-examination, the witness said that he knew O'Kelly, and had had drink at his expense in pretty nearly every public house in Sheerness; he had also received 12*s.* 6*d.* a week since he came back.

By the LORD CHIEF JUSTICE:

I am out of pocket, because I am a seafaring man and can't get work on shore.

The next witness called was James Goode, another of the men mentioned in the indictment.

Examined by Mr. HANNEN:

I went out to Calais, and worked for three weeks on the Rappahannock. I received the wages from Mr. Rumble when I came back.

The SOLICITOR GENERAL then said that he did not want to examine O'Kelly; but as his name had been very frequently mentioned, he would call him, in order that Mr. Bovill might have an opportunity of cross-examining him.

Mr. O'Kelly, about whom there has been a great deal of cross-examination as to his treating witnesses, &c., was then called, and after a considerable interval, appeared.

Upon his appearance, however, the solicitor general said: I have no questions to ask you.

Mr. BOVILL. Nor have I. [A laugh.]

Neither side caring to examine this person, he retired from the box.

The SOLICITOR GENERAL then said: Then, that is the case for the Crown.

Mr. BOVILL then addressed the jury for Mr. Rumble. He said that the case was brought there by the government; but really, the prosecutors were the federal government. If the prosecution were really by the government there would not have been that disgraceful exposé that there had been of a means of getting evidence which would not be tolerated an instant in a prosecution by the government. The prosecution was really instituted by the Federal government, in order to get a case against the British government. What a case they would have, if in any way they could prove that a government officer had been engaged in fitting out a confederate cruiser! And what means they have taken to prove the case! The learned counsel then called attention to the proceedings of O'Kelly and Warne in getting the evidence of witnesses, who were first well plied with drink. Would these witnesses give correct evidence? Would not this constant plying with drink and payment of 12*s.* 6*d.* a week tend to prejudice their minds? This prejudice appeared in the way they gave their evidence; they suppressed everything favorable to Mr. Rumble—in fact, distorted everything in favor of their own case. Innocent expressions were by this means made damnatory. Again, the government depended entirely on the federal agents, and these agents would not let a witness appear who could say anything in Mr. Rumble's favor. But what was the case? This vessel while lying at the government buoy was bought by Mr. Pearson, or Mr. Coleman, who probably from the first intended it for the confederate service. Of course, with such an object, his first care would be to conceal his design. If he had taken the vessel to a private dock-yard, the federal agents would immediately have received intelligence, but if they could get her fitted out in the government dock-yard no suspicions would be excited. He accordingly applies to the government to let her be docked at Sheerness; his request is granted, and the vessel is brought in by a government tug from the government moorings to the government dock-yard, and there she is attended to by the government officials; she is then taken out again by a government tug, and then she is masted and rigged, still by the government officers; in fact, every one at the dock-yard did all he could for the ship, and then this letter is sent to Mr. Rumble:

"DEAR SIR: Will you please undertake, for us, the management of the doing of the repairs of the steamer Victor, we undertaking to pay all the expenses of what is necessary to be done!"

That was written to him by the owners, and he naturally acceded to it. Is it to be supposed that, when every one is doing his best, from the lords of the admiralty to Mr. Wise, with his government tug, that Mr. Rumble should refuse to do anything in his power? Of course, he did assist. There is no pretence for saying that there was any armament, and Mr. Rumble, like the rest, knew nothing of the ship being for the confederate service; they supposed she was going for a trial trip. Then she starts, and here we have her taken out by a government tug, under the orders of Captain Wise, according to the evidence of two witnesses. Here we have the officials doing their best until the last moment, all of them supposing her present destination to be a trial trip, and ultimate destination China. Then Mr. Rumble is accused of engaging the men, and it turns out that he had nothing to do with the greater part of them; and with others, here is the letter authorizing and requesting him to do what he could. It is said that Mr. Rumble came on board just before she left, and that the vessel had a quantity of coal and provisions. We all know that 150 tons of coal would not last more than three or four days, so she could not go on service.

The LORD CHIEF JUSTICE observed that this might be used against him, as it might be said there was not enough coal to go on a trial trip.

Mr. BOVILL. There can be no doubt that every one imagined she was going on a trial trip; no one had any idea of her going as a confederate cruiser. She had no armament. If she was going for a trial trip, or Mr. Rumble imagined that she was going for a trial trip, if he had

engaged every sailor and every fireman on board he would have done no wrong; it would have been perfectly lawful for him to do so. Does not the evidence satisfy you that Mr. Rumble had no knowledge but the knowledge of every soul on board that she was going on a trial trip and nothing else? When they get off Calais, they hoist the confederate flag, which, by-the-bye, they are obliged to make on board; afterwards the captain comes on board, and then, certainly, the Victor and Scylla became the Rappahannock of the confederate navy As to any equipment in Calais, with that we have nothing to do; the statute only applies to the United Kingdom. You must not be led to think that, because Mr. Rumble may have had something to do with fitting out the ship before she went to Calais, he knew what she was going to be when she was over there; nor, on the other hand, would it be sufficient to show that he was ever concerned in a warlike equipment at Calais, for, under the statute, the offence must be committed in this country, and the offence required an intent to contravene the statute, and an intent in this country to do so. Therefore, neither act done here without the intent, nor acts abroad even with such intent, would suffice to sustain the indictment. Again, as to enlistment, the statute only applies to "soldiers, sailors, or marines," and there was no evidence here of any such enlistment, for the persons mentioned in the evidence were only stokers, &c., boiler-makers, and the like. That point of the indictment, therefore, failed.

The LORD CHIEF JUSTICE. That point arose in the case of the Queen *vs.* Jones, which was tried before me at Liverpool at the last assizes, and it was reserved; and on account of the great importance of the question I should take a similar course here, and reserve the point. But for the purpose of to-day I shall tell the jury that the term "sailor" includes all persons employed in the navigation of the ship.

Mr. BOVILL went on to urge that there was no evidence that any one man was engaged or enlisted until the vessel got to Calais. Until then no one supposed that there was to be any engagement in the confederate service. It was impossible, therefore, that the defendant could have caused any one here to enlist in the confederate service.

The LORD CHIEF JUSTICE. I shall tell the jury that anything that took place at Calais can only be considered so far as it may throw light upon other matters which are stated to have occurred here.

Mr. BOVILL then went on to urge that, even as to the acts of employment or engagement here, the men were engaged or employed not by the defendant but by Ferguson or by Ramsay. As to the statement of the witness Newman that the defendant had said he was going to call on the confederate agent, happily this was stated to have been in the presence of two other persons—Mr. Greathead and young Mr. Rumble—both of whom would be called to contradict the statement. Unfortunately, as it was a criminal case, the defendant could not be called as a witness, but in this instance, owing to the adjournment of the trial by the lord chief justice (in his anxiety for truth and justice) he had been able to obtain the attendance of these two persons, who could distinctly contradict the witness in this statement. As to the statement that one Bagshawe, after going into the house of Mr. Rumble, had given the men money at Sheerness, it was sought to be inferred that he had it from Mr. Rumble. But why was not Bagshawe called to prove it? He was in the employment of the government, and they could have called him if they had pleased to do so. And why was not Gifford called, who was the foreman of the gang of boiler-makers engaged on the steamer at Sheerness? As the defendant could not be called, the Crown should have called all witnesses who could state the truth of the matter. There was another point on which, fortunately, the defendant was in a position to adduce evidence to contradict the testimony of the only witness who stated that Mr. Rumble was on board the ship late on the night of its departure. It would be proved that at the time he was delivering a lecture on the habits of the Chinese; and that, therefore, the statement was an utter fabrication—the result (like so much more of the evidence) of American gold, corruption, and bribery. The learned counsel denounced with energy the prosecution as an American one; and the conduct of which—out of court—in some degree he suspected to have been confided to American agents. It might be asked what took Mr. Rumble to Calais? This question he would answer easily, and the answer he could sustain by proof. The fact was, that the vessel went away without paying the men, and he went over to secure their payment—whether he felt or expressed sympathy with the confederates was quite immaterial; nay, whether he actually aided them at Calais was equally immaterial, for it would be no breach of the statute, as an act committed abroad. The learned counsel then went on to read the statement made by the defendant, which, he explained, he was only permitted to use by the assent of the solicitor general, whose conduct of the prosecution, so far as he was concerned, was creditable to himself and to the Crown. [The statements of the defendant were read as already given.] The learned counsel then went on to press upon the jury what credible satisfactory evidence there was to falsify these statements, and convict the defendant? Was evidence satisfactory and credible which came from such tainted sources, and had been obtained by such unworthy means? Not that he imputed these practices to any one connected with the government, but to the secret promoters of the prosecution—those American agents who were in the background, but had been at the bottom of the whole affair, and had really got it up, probably with a view to fasten on this country responsibility for the acts of confederate cruisers. There had evidently been treating of the witnesses, and all sorts of tricks and artifices to get them to come up to the mark, and the

jury, he submitted, could not rely safely on such testimony. He admitted that there might be circumstances of suspicion; but suspicion was not enough, and if there was any reasonable doubt they were bound to acquit the defendant.

At the conclusion of the learned counsel's address the case was adjourned, and it is clear that it must last all to-morrow (Saturday.)

[From the London Times of February 6, 1865.]

COURT OF QUEEN'S BENCH, FEBRUARY 4, 1865.

(Sittings at Nisi Prius, before the Lord Chief Justice and a special jury.)

THE CASE OF THE RAPPAHANNOCK.

THE QUEEN *vs.* RUMBLE.

This was the fourth and last day of the trial of this case, an indictment under the foreign enlistment act against an officer in her Majesty's dock-yard at Sheerness, for having been concerned in the manning and equipping a war steamer for the confederate service—a trial which, it will be seen, has ended in a verdict of acquittal. The vessel, a gunboat of five hundred tons burden, was sold by the admiralty in November, 1863, to a mercantile firm, Messrs. Coleman & Co., who, however, it appeared, really purchased for one Pearson. The ostensible purchaser, however, and the only parties who appeared to be known to the admiralty in the transaction, were Coleman & Co., at whose request some assistance was rendered at the dock-yard for her repairs. Her boilers were in a bad state, and for a fortnight after the sale men were engaged in her repairing them. The defendant, who was inspector of machinery afloat, was acquainted with the real purchaser, Pearson, (who, as it turned out, had purchased the vessel for the purpose of her being taken into the confederate service,) and was constantly on board with him and one Ramsay, who appeared to have acted as temporary commander, and one Ferguson, the chief engineer. Several persons in inferior capacities in the dock-yard service, particularly two persons named Bagshawe, a boiler-maker, and Beardsall, a fitter, were in constant communication with the defendant, and men were engaged to go "on a trial trip," the ultimate destination given out being China. The vessel was to start on her "trial trip" on Wednesday, the 25th of November, but started at midnight on Tuesday, the 24th, a government tug showing her the way. She dodged about Dover, and next day got to Calais. On the voyage, the name—which had been originally the Victor, and was first altered to the Scylla—was changed to the Rappahannock, and the confederate flag was hoisted. A Captain Campbell and a number of officers in gray uniform came on board at Calais and took the command. It was not quite clear whether the defendant went with her; but he was on board the night she started, and was at Calais soon after she got there, and it was proved that he was there in the cabin—when the confederate flag was flying, and the confederate captain on board—while the men were being paid. He admitted, however, having interested himself in getting men on board to repair the boilers; and his account of it was that he went over to Calais, as she had gone away suddenly, to see that they were paid; and, though it was sworn that he had said at Sheerness he was going to see the confederate agent, that (it will be seen) was denied. In the result the French government stopped the ship at Calais, and our government ordered an inquiry before the magistrates which was conducted by Mr. V. Harcourt, and which resulted in the present prosecution, in which the defendant was first charged with causing to be engaged in the confederate service twelve men—Maloney, Firth, Brook, Bailey, Gunn, Hurford, Newman, &c., most of whom have been called and examined as witnesses. It is due to the defendant to say that owing to the length of our report on Saturday the statements he sent to the admiralty, and which, by consent of the counsel for the Crown, were read by his counsel, were unavoidably omitted. It was after these letters that an inquiry took place before the magistrates, which resulted in this prosecution, and it transpired that the men had been taken to the American consul's, and made statements there. The witnesses for the prosecution were severely cross-examined as to certain treating which they confessed to have shared at the hands of one O'Kelly, who was called on Friday, but whom both sides declined to examine, and it is due to those who conducted the prosecution on the part of the Crown to state that it was not at all suggested that this man acted in connexion with them; and, on the contrary, it appeared that, from the admiralty—through the hands of their respectable solicitors at Rochester—the witnesses only received the usual and proper "subsistence money" to which witnesses are entitled who are detained in this country, and so deprived of wages. It will be remembered that in December the trial was adjourned on account of the absence of two persons (young Mr. Rumble and one Greathead,) in whose presence one of the witnesses, a man named Newman, swore the defendant said he was going to see the confederate agent. These persons were now in attendance, and were, it will be seen, examined to-day, and both of them distinctly contradicted Newman.

The solicitor general, Mr. Lush, Q. C., Mr. Hannen, and Mr. Harcourt appeared for the

Crown; Mr. Bovill, Q. C., Mr. Karslake, Q. C., Mr. Serjeant Ballantine, Mr. Giffard, and Mr. Macnamara appeared for the defence.

Evidence for the defence was gone into.

Mr. Zachary Pearson was called, and examined by Mr. Bovill. He said, I was formerly a ship-owner at Hull, and connected with a firm of Gordon, Coleman & Co., of London. I remember the Victor, a gunboat, being for sale, and Gordon, Coleman & Co. purchased it. I was interested in that firm, and managed that business entirely.

The LORD CHIEF JUSTICE. That particular transaction?

WITNESS. Yes. Mr. Coleman was connected with me by marriage. The ship had no masts in her when sold; she was merely a hull. I had the principal superintendence of the arrangements necessary to fit her for sea. We got permission from the government to have her examined. The vessel was sold by Coleman to a French firm.

The SOLICITOR GENERAL. That would appear by the bill of sale.

Mr. BOVILL. Was it an absolute sale?

WITNESS. Yes.

The solicitor general again objected that this could only be by bill of sale.

The witness said it was given to the vendee. He went on to state that he had the care of the arrangements necessary to fit her for sea. All the arrangements as to rigging and fitting, &c., were made by means of government men out of regular hours. The witness identified a letter by him to the defendant which ran thus:

"OCTOBER 7, 1863.

Will you please undertake the management of the docking and repairs of the steamer Victor, we undertaking to pay all the expenses with reference to what is necessary to be done?"

He went on to state that he had known the defendant for some years, and was unable to go down himself about the business to Sheerness. I told Mr. Rumble (he said) that I had sold her to a French firm for a voyage to China. I wrote to him.

The solicitor general called for the letter.

It appeared that it could not be produced. Witness went on to state that he had subsequently told Mr. Rumble the effect of it, and told Mr. Rumble that it was necessary to have a trial trip. The owners, the purchasers of the vessel, ordered the vessel away.

The LORD CHIEF JUSTICE. What are their names?

The witness paused, and then said "Pitzcato & Co., (as near as we could catch,) of Paris." He went on to say that Ramsay was appointed by the French firm. The witness was on board and went down in her on the trial trip. It was necessary and usual to have a trial trip when a vessel had been long laid up. He was on board all that day. He started with the vessel, and was on board several hours that day. She was to start on a Wednesday (25th,) and she started on Tuesday night (24th of November,) as soon as she could. Officers of police came on board, as there were rumors that there were some things belonging to the government. Two boats came, one containing police, and the other Mr. Rumble and his officers, and they searched the ships very carefully. After the defendant left he was not on board again until the vessel got to Calais. (The witness here identified Mr. Greathead as having been with Mr. Rumble.) Before the ship sailed, he said, he did not know the state of the boilers, nor knew they were so bad. The ship was only fit to break up. The government sold her on that account.

The LORD CHIEF JUSTICE. Only fit to be broken up, you say; then she was scarcely fit to go to sea?

Well, not then.

You knew she had been condemned?

Why, yes.

But you bought her as a vessel capable of being made fit to go to sea, I suppose?

Oh, we bought her with a view of selling her and making a profit.

You bought her at "breaking up price?"

Yes.

Mr. BOVILL. What price did you give the government for her?

WITNESS. About £9,000. He went on to describe the state of the boilers, as shown on the trial trip. He proceeded to state that on arrival at Calais, about 6 o'clock in the evening, he wanted to get back to London and went on shore.

The LORD CHIEF JUSTICE. Did she go into the harbor there?

No, it was not intended; she was going back into the river, but her boiler burst. There were no sailors on board—only artisans.

We have been told that articles were signed for a voyage to Brest. Is that true?

Articles were not signed, but a memorandum to show how long the trip was to last.

The witness here identified the memorandum, which ran thus:

"We, the undersigned, agree to act as firemen on board the steamship Scylla on a trial trip, not to exceed 14 days, and to be sent to England at the owner's expense if landed out of England."

This, he said, was signed by Ramsay and the men, in order to limit the time for the trip, and the ship was only fit for a trial trip. There were no sailors on board, nor provisions for

a voyage. The owner provided, he said, he had nothing to do with it. He landed in a boat from the Scylla at Calais, the vessel then being under way for her return to the river. Up to that time he had heard nothing of the flag. He went to shore, he said, in the pilot-boat and went to London. He was surprised, he said, to hear next day that the steamer was still at Calais. As far as I am aware the defendant was not aware that the ship was destined for the confederate service.

The LORD CHIEF JUSTICE. Were you? You need not answer the question unless you like.

I decline to answer.

The SOLICITOR GENERAL. Cross-examined. I don't quite understand how £9,000 should be given for a ship only fit to be broken up?

Her engines were good. It was proved afterwards that she was only fit to break up.

Pray, are Messrs. Coleman or Gordon here?

No. I believe Mr. Coleman is not now in business.

Now, you say the vessel was bought to go to China. Did you believe that she was bought with that intention?

I can't say positively.

The LORD CHIEF JUSTICE. You are asked as to your belief.

(Hesitatingly.) I am not sure about it.

Do you know or do you not?

I had reason to believe that the intention of the purchasers was to go to China.

Do you pledge your oath that you did not believe it?

In the first instance I did.

At the time the vessel left Sheerness did you believe it?

Not on that condition.

Not on that condition—of course not. But you said she was purchased to go to China?

Yes, and that will appear.

Oh, yes; by the contract, I dare say, if you swear by the card; but as to your belief?

I cannot swear as to my belief at that time. I was glad to get a purchaser, and to sell at a profit.

Now, do you think that is an answer to the question we are asking?

Witness hesitated a great deal, and gave no distinct answer.

The SOLICITOR GENERAL. You don't know what you believed, then?

I had reason to believe she was to be a confederate vessel, but that the intention was to send her to China.

Oh, indeed! She was to be a confederate vessel and go to China?

The LORD CHIEF JUSTICE. Am I to take that thus: "I had reason to believe that she was intended for a confederate vessel, but that she was to go to China?" Is that what you say?

Yes.

The SOLICITOR GENERAL. Can you explain why a confederate ship should go to China?

Oh, yes, I could explain.

Then do, please.

Confederate cruisers go all over the seas.

Oh, that's what you mean, is it? She was to be a confederate cruiser, was she?

I don't mean that.

What do you mean?

That I sold the vessel to these parties, and that their intention was to make a large profit.

The LORD CHIEF JUSTICE. You understood that they meant to sell her to the confederates for profit, but that you were to equip her for a voyage to China?

Yes.

The SOLICITOR GENERAL. Don't you know that it was intended that she should go to China as a confederate cruiser?

I don't know.

Did you not believe that she was intended as a confederate cruiser?

I did not know of my own knowledge.

Did you not believe it?

I had nothing to do with it.

Did you not believe she was to be a confederate steamer when she started?

(Quickly.) No, that she was not.

That she was to be so?

No, I did not know it.

Did you believe it?

No, I did not believe it, for she was in a breaking-up state.

Then she was hardly fit to go to China?

No; she could scarcely get to Calais.

You said you were to equip her to go to China?

Yes, under the original agreement.

Was it not announced on the "trial trip" that she was to be a confederate cruiser?

No.

Was not the name Scylla painted out in the course of the trip?

I did not know it was being done. I think the name was painted out while I was on board.

And the name Rappahannock painted in?

I did not see it until afterwards.

Was it not painted when you were on board?

It may have been, but—

But what?

I am not certain.

Was there not the confederate flag flying?

No, I am sure there was not.

Was there no flag flying?

No, when there was nothing on board to make one.

The LORD CHIEF JUSTICE. It has been stated that there was.

There may have been some bunting got next day from shore, and it may have been made on board then.

The SOLICITOR GENERAL. You say there were no flags on board?

No.

You say the ship was sold to a French firm?

Yes. She changed hands two or three times.

When did you sell her to the French firm?

About a month previously to our leaving Calais. I cannot say the date.

The LORD CHIEF JUSTICE. What did you sell her for?

I think for £20,000.

The SOLICITOR GENERAL. You "think" for £20,000. When was the sale?

I cannot give the date.

The LORD CHIEF JUSTICE. I presume it would appear by the books of Colemans?

Witness said he had sold her by commission; he was not otherwise interested.

The SOLICITOR GENERAL. You are aware that by the bill of sale Colemans appear on the 6th of November as the registered owners?

Yes, I am well aware of it.

Did you see the money paid?

Yes; one-half of it was paid down.

Where?

In London.

Where in London?

I believe at Coleman's office.

When?

As to date I am at sea.

Oh! as to date you are at sea?

Yes, (hesitating;) I think in September or October—early in October.

By whom was the money paid?

By a person I never saw before.

Nor since?

No, I believe not.

The LORD CHIEF JUSTICE. When was the other half paid?

The day the ship was at Calais.

How, in bank notes or cash?

(Hesitatingly.) I think it was in cotton bonds.

You think. Why, you are a mercantile man, and this was a large transaction; surely you must know well how the money was paid. Was it paid in money or by cotton bonds?

By cotton bonds.

Bonds from whom to whom? What bonds?

Certificates given by the confederate government, representing each twenty bales of cotton.

Mr. BOVILL. I believe they are very common in London. There are thousands, perhaps millions of them about.

ONE OF THE JURY. Oh, yes; they are what is called "confederate stock."

The LORD CHIEF JUSTICE. Who paid the money?

I don't know his name.

Where is Coleman?

I don't know.

The SOLICITOR GENERAL. Have you been in communication with the confederate agents?

Yes.

Have you not acted as a confederate agent?

No. I have sent them ships.

You have sent them ships?

Yes; and the federals robbed me of my ships, and the confederates robbed me of my money. (Much laughter.)

The LORD CHIEF JUSTICE. What do you mean? How did the confederates rob you of your money?

Why, I sold them things to the amount of £190,000, and took their agent's drafts on the confederate treasury, and they refuse to pay them, so I have £190,000 of bad debts against them.

The SOLICITOR GENERAL. You have had many transactions with the confederates?

No.

No? Why, there was one.

Except that.

Was that all one transaction, then?

Yes.

You have been in frequent communication with persons connected with the confederate government?

I have tried to do business with them, to my great misfortune.

You have been in communication with Mr. Rumble?

Yes.

Since this affair?

Yes.

You have kept up your intimacy with him, then?

Yes, so far as we were ever intimate.

Did you furnish him with funds for the purpose of paying men?

Yes; we gave him some money for the purpose of wages for equipment, &c.

The LORD CHIEF JUSTICE. What do you mean by that term?

It includes sails, masts, yards, &c. The government stripped her, and made her a wreck before selling her. They took off her gun-plates.

The SOLICITOR GENERAL. Oh! you rather wanted them to remain, did you?

They would have been of value, if only for the metal.

Oh! you wanted them to remain for the sake of the value of the metal, did you?

Mr. BOVILL. He did not say that exactly.

Witness. No, I did not say that was the reason; I said the plates would have been of value even as metal. But the government took them off; and, in fact, quite stripped her.

Re-examined by Mr. BOVILL:

The witness said the ship had no masts or rigging, &c., and everything had to be put into her, at an expense of about £5,000. The ship was resold for about £20,000. The money for the purchase was paid in cotton bonds. They are circulated from hand to hand without indorsement.

The LORD CHIEF JUSTICE. You cannot tell, then, looking at them, whether they are taken in the ordinary course of business, or direct from the confederate government?

No.

Mr. BOVILL. The market price fluctuates according to the news?

Yes.

And some people make fortunes, and others burn their fingers?

Yes; I believe so. (A laugh.)

Was Mr. Rumble to have anything for his services?

There was no agreement to give him anything, but, of course, we should have given him something for his services.

As you might any one else in the dock-yard?

Yes; they were all very obliging; they always are when a ship is sold.

Now, then, whatever you may have thought or suspected as to the ultimate destination of the vessel, have you any reason to believe that Mr. Rumble knew of it?

(The solicitor general objected. The witness ought only to be asked what he told Rumble.)

Mr. BOVILL. Then I will ask this: Whatever may have been on your own mind as to the ultimate destination of the vessel, did you ever communicate it to Mr. Rumble?

No, never.

The LORD CHIEF JUSTICE. Now, just answer me a few questions. How was it that on "a trial trip" the vessel went to Calais?

The person who was in charge of her (Ramsay) suggested it. It was a short trip, and it was a beautiful day.

Mr. Ramsay suggested it, you say?

Yes.

Without saying what it was for?

Yes.

When did he suggest it?

When we weighed anchor for the Nore.

Now, you say that as soon as you got to Calais, and the confederate flag was hoisted, you asked for the remainder of the purchase money, and got it?

Yes.

Without anything further?

No.

They made no objection, and paid you at once?

They were obliged to do so.

They were at Calais, you know?

Yes, but they could be compelled to pay.

Now, we have been told that while the ship was at Calais, in consequence of the state of the boilers, a number of boiler-makers, &c., were sent over to manage the repairs. Did you pay for that?

No.

Did you know of Mr. Rumble going over to see to the payment?

No.

You did not find the money, then, for it?

No.

Nor your firm?

No; we had nothing to do with it; we demanded immediate payment of the money and got it.

However, you did not pay anything towards the repairs of the boilers, &c.?

No.

You say you bought the vessel for £9,000, and sold her for £20,000, (subject to the expense of equipment, &c.,) to a French firm; had you been in communication with them before you bought her?

Yes, I had done a large business with them.

But had you been in communication with them as to the purchase of the vessel?

No; as soon as I purchased her, I went over to France to find a purchaser.

Cross-examined by the SOLICITOR GENERAL:

The witness said his memory had not been refreshed on the subject until recently, at Gibraltar, when his attention was directed to it by the report of the case in the newspapers.

(The trial had been adjourned from December on account of the absence of this witness and young Mr. Rumble, who were then both abroad.)

Did you go to the French firm?

Yes.

You bought her on speculation to sell her again in France?

Yes.

You went over to Paris about it?

Yes; the vessel had been open for sale to the public for two years.

You did not try to sell her in London?

No.

The witness went on to say that the government had stripped the ship and made her a wreck.

The LORD CHIEF JUSTICE. Not quite; they left enough for a considerable profit, it would seem.

James Hare was then called, and examined by Mr. Karslake. I carry on business as a painter at Sheerness. I knew Mr. Ramsay. I did not see Mr. Rumble before I went to Mr. Ramsay; I saw him afterwards. They came together to my shop. I received an order to do work on board the Victor; she was then at Sheerness. I painted her. We were working at her until she left, and she was not finished then. My bill was £103; that was unpaid when she left Sheerness. When I heard the Scylla had arrived at Calais I went to Mr. Rumble at his house. That was about 9 on Saturday evening. He was not at home, but I saw his daughter. I went again about half-past 10, and saw him. I showed him my bill, and told him I should look to him for the amount.

Cross-examined by Mr. LUSH:

I had been working the day she left, and meant to go again the next day. I did not know she was going. There was a good deal of work to do when she started. My tools were on board.

In re-examination, the witness said that he would leave his tools on board if he knew she were going on a trial trip.

James Cooke examined by Serjeant Ballantine. I am a nephew of Miss Burlington, a furniture dealer. Ramsay and Kerr had a bill with us for £50 or £60. This was unpaid when the vessel sailed.

The LORD CHIEF JUSTICE. I own, Mr. Bovill, I don't see the point of this.

Mr. BOVILL. It is this, my lord: in reference to the letter I read yesterday of Mr. Rumble, stating that, as he considered himself morally responsible to several tradesmen in connexion with the vessel, he must go over to Calais.

The LORD CHIEF JUSTICE. Oh, yes; I understand.

Miss Rumble was then called and examined by Mr. Serjeant Ballantine. I remember (she said) the 28th of November, 1863. It was a Saturday. I was at home; my father was not. He went up to town by the 9 o'clock train; he returned about 10. I was at home all the evening. I should have known if any one called that evening. Mr. and Mrs. Thompson did not call that evening. I remember the 24th of November. I went to a lecture at Miletown, Sheerness; before that I went to a tea meeting with my father. My father lectured, and we went away about 10 in a cab. We got home about ten minutes past 10. We had

supper together. I retired about half-past 10. I have a brother. He came in while we were at supper. I left him with my father. My father's house is about half an hour's walk from Sheerness pier. The Scylla was about ten minutes from the shore by boat. I remember my father going to Calais; he went alone.

In cross-examination by Mr. Lush, she said: I went to London with my father. When he left me I went on to Yorkshire. My father fetched me about five weeks afterwards. I did not hear how long my father had been in Calais. My father has lectured three or four times. The lecture began about 7. The last time the trial was on here was the first time I had this brought to my mind.

Joseph James Greathead was then called and examined by Mr. Bovill: I am chief engineer in her Majesty's service. I have been in the service eighteen years. I have known Mr. Rumble seven years. In 1863 I was engineer on board the Mars. I was also assistant to Mr. Rumble. It is part of my duty to visit all vessels undergoing repairs. I remember the day the Scylla left Sheerness. I went with Mr. Rumble to inspect the ship. We had a boat's crew with us; there were no police. We left the ship about 1.30. Mr. Rumble left with me. He walked with me to my house; then went in the direction of his own house. I saw him again at about 5.30. He was then in uniform. This was at a lecture and tea-meeting. Mr. Rumble delivered the lecture. The lecture was over about 10. I saw Mr. Rumble get into a cab to go home. The distance between Mr. Rumble's house and the ship would be between two and three miles. With tide it would take fifteen to twenty minutes, against tide from one to three hours, to reach the ship.

Being then examined as to Newman having been engaged by Mr. Rumble, he said he did not know Newman at all, and denied *in toto* the conversation sworn to by Newman with Mr. Rumble after the vessel arrived at Calais.

The LORD CHIEF JUSTICE. You never heard any conversation about Mr. Rumble going to a confederate agent, or anything of the kind?

WITNESS. No; I never was present at any conversation with Mr. Rumble upon the subject of the ship at all.

In answer to the lord chief justice, the witness positively repeated this.

The next witness was Mr. Rumble, jr., who was examined by Mr. Karslake, Q. C., and stated that he remembered the Scylla when at Sheerness, and was engaged at the dock-yard himself. He said he remembered the vessel leaving the harbor at night. He confirmed his sister's evidence as to the lecture, and declared that he saw his father that evening after the lecture. He then contradicted the evidence of the witness Newman, and positively denied that he had ever been present at a conversation between his father and Newman, or that his father ever said in his presence (as Newman had said) that he was going to London to see the confederate agent.

He was cross-examined by the solicitor general, and it appeared that he had called at his father's house that night to ask his father to come and see him, and did not see him, but he came "in about a quarter of an hour." He was pressed as to whether he could positively say it was not longer, but he could not say.

The LORD CHIEF JUSTICE. I presume you did not know anything about the ship being for the confedererate service?

No.

Then, if you had heard your father say that he was going to see the confederate agent it would have struck you as remarkable?

Yes.

And you are quite sure you never heard him say so?

Quite sure.

Mr. BOVILL said this was the case for the defence, and he was sorry that he had no right, as this was a criminal case, to sum up his evidence or address the jury upon it.

The LORD CHIEF JUSTICE. I wish it were not so, and I hope to see that portion of our criminal procedure altered.

Mr. BOVILL. That, my lord, is a hint upon which I hope some amendment of the law in that respect may be proposed.

The LORD CHIEF JUSTICE. There ought, certainly, to be no difference between civil and criminal procedure in that respect.

Mr. BOVILL. Except this—that as criminal cases are of more importance, touching, as they do, the liberty of life of the accused, it is more important that the counsel for the accused should be placed on a fair footing of equality with the counsel for the prosecution.

The SOLICITOR GENERAL then rose to reply on the part of the Crown.

The LORD CHIEF JUSTICE desired him in the course of his address to point out upon what particular counts he demanded a verdict against the defendant, for instance, as to the equipment charges.

The SOLICITOR GENERAL said he would do so, and then commenced his reply on the part of the Crown. He commenced by complimenting Mr. Bovill for the zealous and able defence he had made for his client, and thanked him for the very handsome compliment he had paid to the conduct of the prosecution on the part of the Crown. At the same time, he said, his learned friend had made some observations which he had heard with great pain and regret. His learned friend had more than insinuated that this prosecution was dictated by the Ameri-

can government, and that the American government had caused it to be instituted with the object that they might obtain a verdict from a British jury against an officer of the Crown, and then upon that verdict found a claim for damages against this country; and he attributed this course to the malice and ill-will they bear against this country. Gentlemen, said the learned solicitor general, with warmth and emphasis, I regret—deeply regret—that my learned friend should have thought it consistent with his duty to make these observations. Gentlemen, it is no cause of surprise or complaint that those who represent the American government in this country, if they had reason to suppose that any subjects of the Queen had violated their neutrality and assisted their enemies, should bring these facts to the knowledge of the government. And it is proper that in their communications with the government they should not confine themselves to mere suspicion, conjecture or accusation, (which could not be attended to,) but should submit some definite statement, consisting of evidence they had obtained of facts which could be substantiated. Gentlemen, it is the proper and usual course to pursue; and if our positions were reversed, and if we ourselves were belligerents and the United States were a neutral power, such a course would be proper for our agents to take in America, and it is a course which has been heretofore, and many times, adopted. And, gentlemen, I further say, that when evidence such as that is brought to the attention of the government from any source, whether the American consul or their own police, it is their bounden duty, not for the purpose of gratifying the malice of any foreign nation, but for the purpose of vindicating our own laws. In this country, as in all properly governed countries, it is the sole right and duty of the sovereign power to make war, and where a subject is engaged in warlike operations, in fitting out ships, or in enlisting men for the service of a belligerent, without the consent of the sovereign power, no nation with any self-respect can afford to pass over such an offence. It was, therefore, the duty of the government, upon such evidence being brought to them from any source, to institute the prosecution, and submit it to a jury, bound, of course, by their decision. Gentlemen, we administer and enforce our own laws for our own satisfaction, not for the satisfaction of any foreign government, and I should be unworthy of the office which I have the honor to hold if I could propound it as a topic worthy of a moment's consideration in a criminal case whether your verdict of guilty or not guilty will give satisfaction or offence to any foreign power. Gentlemen, my learned friend has suggested that a claim for damages could be founded on your verdict; but, surely, it is perfectly preposterous. I repeat, it is a perfectly preposterous proposition that a government is answerable for the conduct of any of its officers or subjects, if without its knowledge, sanction, or approbation. If, indeed, these acts were ratified by the government, then there might be ground of complaint. But when a prosecution has been instituted and submitted to the jury, and a verdict of guilty or not guilty returned, there can be no possible cause of complaint against this country. If the case is not proved against Mr. Rumble, of course you will acquit him; and, of course, you will not give a moment's consideration to the effect which may be produced abroad. But, if the case is proved, I confess I cannot follow the reasoning of my learned friend that it could be any ground of a claim against this country that you have thus pronounced a verdict of guilty. But, gentlemen, I pass from these topics which I regret my learned friend should have introduced. to a consideration of the evidence in the case, to which, and which alone, I invite your attention. The learned solicitor general then proceeded to reply upon Mr. Bovill's remarks as to the character of the witnesses and the conduct of O'Kelly. He then proceeded as to the remarks upon the payment of 12*s*. 6*d*. a week to witness. It would have been impossible to keep those witnesses together for such a long time, adjourned as the trial has been time after time. It is a mistake to suppose that they got this in addition to their pay. But it is for you to weigh the evidence. They had no animosity against Mr. Rumble, and it is almost impossible to suppose that a number of British sailors have concocted such stories as these men have told. Now, let us see what the character of this transaction is. I don't think you can doubt that this vessel, when she was bought, was intended for a war vessel. That she left Sheerness in a hurry no one can doubt. She starts at midnight. Half way across the mask is thrown off. Ramsay tells the men that he has given her a new name; hoists the confederate flag, and she becomes to all intents and purposes a confederate vessel. You cannot doubt what Ramsay's intention was. The learned counsel then called attention to the character of the evidence of Mr. Pearson, which he characterized as most unsatisfactory. He then proceeded: We now come to the question, did Mr. Rumble *bona fide* believe that this vessel was destined for the China trade? I agree with my learned friend that even if Mr. Rumble had equipped and manned the vessel himself, if without knowledge of her destination he is not guilty. Now, gentlemen, (continued the learned solicitor general,) a word as to the law upon the subject. I quite agree with my learned friend that it must be proved that Mr. Rumble did the acts with an intent to contravene the statute, and that he must be proved to have had that intention in this country. But, gentlemen, let me direct your attention, and my lords, to the recent statute (24 Victoria,) which enacts that whoever shall aid and abet or counsel or procure the commission of any misdemeanor (whether at common law or by statute) shall be liable to be indicted as a principal offender.

The LORD CHIEF JUSTICE. But where do you say that the misdemeanor must be completed? There must be a hiring or enlistment within the United Kingdom, or a misdemeanor is not completed.

The SOLICITOR GENERAL. I quite agree.

The LORD CHIEF JUSTICE. You must, therefore, come to that—whether the actual enlistment was in the United Kingdom. The misdemeanor he "counselled" must have been committed.

The SOLICITOR GENERAL. I quite agree; but if a man is enlisted in this country to serve in the confederate navy—whether it is for a trial trip or a trip to China—not only those who hired, but those who aided and abetted, may be treated as principals in the offence.

The LORD CHIEF JUSTICE. If they knew of it, and enlisted with the intention; but no one of the men said that they had any notion of the fact.

The SOLICITOR GENERAL. My contention is that the intention in the mind of the enlister is the *reus rea*, and that if the accused enlisted men on board a ship which he knew to be intended to be used in the confederate service, or causes them to serve, that is an offence.

The LORD CHIEF JUSTICE. Every one of these men might have thrown up his engagement when he found that the vessel was not in British ownership.

The SOLICITOR GENERAL. No doubt; but the question is as to the intention of the party enlisting them.

The LORD CHIEF JUSTICE. But you must show an enlisting by the person who enlists to serve in the belligerent service.

The SOLICITOR GENERAL. If the indictment were against the parties enlisting; but this is against the party said to have enlisted them.

The LORD CHIEF JUSTICE. You can hardly put a different construction on the same words in the same enactment.

The foreman of the jury here said: My lord, is it competent for us to express an opinion which might save a great deal of time? We have formed an opinion as to whether the defendant was aware of the real destination of the vessel, and our opinion is that he was not.

The SOLICITOR GENERAL. Gentlemen, that is the point on which I was about to address you.

The LORD CHIEF JUSTICE. Gentlemen, if you have firmly and finally decided upon that point, it is, of course, useless to go on; but that is the great point to which your attention is to be directed.

The SOLICITOR GENERAL. Gentlemen, I should be glad to be relieved from the painful duty imposed upon me, but it is my bounden duty to call your attention to the several circumstances which tend strongly to the conclusion that he did know of it, and I must pray you, therefore, to hear me. If a person knowing that a vessel is destined for the service of a belligerent engages men to serve on board, I submit that it is an offence, and equally so, although the men are engaged, as in the case of the "Queen *vs.* Jones," (tried before the lord chief justice at Liverpool,) to go to another place abroad and there to be enlisted in the belligerent service; that is clearly an offence within the act.

The LORD CHIEF JUSTICE. I cannot quite accede to the terms of that proposition that it is "clearly within the act."

The SOLICITOR GENERAL. I submit it; though, probably, your lordship may deem it a point which deserves consideration.

The LORD CHIEF JUSTICE. Yes, it ought to be reserved.

The SOLICITOR GENERAL then proceeded. Such, he said, was the view of the law he had desired to submit to the jury, and he understood it was to be so taken for the purpose of the trial. That is the law, and I will now proceed to facts, and will call your attention to what I think shows that Mr. Rumble knew the destination of the vessel. The supposition is that Mr. Rumble was imposed upon. Let us see if his conduct is consistent with this. I will say now that I rely on the hiring of Shaw and Hall. The learned counsel then called attention to passages in the evidence of these men.

The LORD CHIEF JUSTICE. There is no engagement of Shaw.

The SOLICITOR GENERAL. If your lordship takes that view I shall not press it. But I must call your attention to this: In an interview where Mr. Rumble was present, Shaw, thinking the pay was not enough, says they are getting as much as this in the merchant service. What can be the meaning of this if this vessel were supposed to be in the merchant service? The learned counsel then called attention to some other passages of a like nature. He then proceeded: I must submit to his lordship that there is evidence as to enlistment of Firth and Hurford, and, under the common law courts, as to the enlistment of Maloney.

The LORD CHIEF JUSTICE. There is no evidence as to Maloney. He went across to Calais. Then he left, and afterwards was engaged as a boiler-maker, and only as a boiler-maker.

The SOLICITOR GENERAL said that he relied upon the common law courts for an offence in counselling, &c., Maloney and others to enlist.

The LORD CHIEF JUSTICE. What is the common law offence?

The SOLICITOR GENERAL. The gist of the common law offence is enlistment in a vessel for warlike purposes.

The LORD CHIEF JUSTICE. Then it is clear there was no enlistment of Maloney within the act. The intention of being enlisted for warlike purposes must exist at the time of enlistment.

The SOLICITOR GENERAL. I shall reserve the right of objecting to your lordship's ruling on that point. Now, as to Mr. Rumble's knowledge. He procures men, is constantly on

board, and actually makes himself liable for tradesmen's bills. Who for? Pearson? Ramsay? Why should he do all this for mere acquaintances? Then she goes to Calais. Mr. Pearson says that after she went there he had nothing to do with her. The case for the other side is, that a gross fraud had been committed on Mr. Rumble. What is his conduct when he finds out that this fraud has been committed upon him—when he finds that the ship which should have gone to Calais has hoisted the confederate flag? Instead of being indignant as one would imagine, he goes over to Calais with boiler-makers for the vessel; he is seen there in the cabin of the vessel, sitting with the officers. Is this the conduct of a man who has been imposed upon? It is said, on the part of Mr. Rumble, that he went to Calais to get payment of tradesmen at Sheerness; if so, why did he take the boiler-makers with him to the assistance of the vessel? Those are all the remarks I wish to make. Of course, if you are of opinion that Mr. Rumble did not do these things with a guilty knowledge, you will acquit him; but if you think he had a guilty knowledge, I have no doubt you will uphold the law of the country—a law of so much importance to all of us, as enabling her Majesty to observe and adhere to her neutrality and to preserve the peace of the country.

The LORD CHIEF JUSTICE then proceeded to sum up the case to the jury. Gentlemen, he said, you have already intimated an opinion as to a point which lies at the root of this inquiry, viz: that the defendant was not party to an engagement of men with a view to enlistment in the confederate service, for that is, undoubtedly, the very gist of the indictment; and I am always reluctant, when a jury have expressed an opinion which tends to the acquittal of an accused person, to stand between him and the verdict which they are desirous of pronouncing. Nevertheless, gentlemen, I thought it much better that you should hear what the solicitor general had to urge, and also the few observations which I desire to address to you. If you still remain of the same mind, and the result of the whole inquiry is, that you think that whatever may have been the motive of other people, the defendant was a mere innocent agent in the matter—if you come clearly to that conclusion, it is, of course, unnecessary to consider the particular instances in which he may have been engaged, and the particular individuals with reference to whom the different counts are framed; and it may be as well, therefore, to address ourselves in the first instance to that question, viz: as to how far Mr. Rumble, in engaging these men to take service on board the vessel, (putting aside for the present the legal question whether their engagement, under the particular circumstances, with the intention upon his part that they should be so engaged, would amount to an offence, either within the statute or at common law,) how far he had at the time the intention to contravene the object of the act, and consider with what intention he did the acts complained of. Now, there cannot be the shadow of a doubt in anybody's mind that those who bought this vessel from the government sold her—whether directly to the agents of the confederate government, or to some parties who stood midway between these agents and themselves—with the intent that the vessel should pass into the service of the confederates. No one who heard Mr. Pearson's evidence—no one who saw and heard him while giving his evidence—can imagine any possible doubt upon that question. But when Mr. Pearson tells you (though the credibility of the statement is matter for you to consider) that what was held out as the ostensible object, even as between Coleman & Co. and the French firm, was that the ship should be engaged in the China trade—though, no doubt, that was for the purpose of masking the real intention and purpose of the parties—Mr. Rumble, to whom the same language was used, may have been imposed upon by this pretence, and may have engaged the men to serve on board the vessel in the honest belief that what was told him by them was true, and that the ship was intended to take a trip to China, and to be engaged in the opium trade, in which we know it often turns out that large profits are reaped by those who embark in it. And it is possible that Mr. Rumble may have been deceived by what every one must feel to have been a mere pretence for the purpose of masking the intention of the principals in the business. I put on one side here the statements of two or three witnesses who speak to conversations in which Mr. Rumble is alleged to have taken part, and which would bear a different construction, for they are open to a great deal of observation, and painful remarks were made by Mr. Bovill on the manner they had been tampered with. One of them says that when the terms of the engagement were being discussed, Mr. Rumble observed that if they went in the vessel they would come back great gainers, and that he should like to go shares with them. That may have been said innocently, and with reference to an adventure intended for China; but it may have an opposite construction, as referring to the vessel being destined for war, and the probability of prize money being realized, in which the men on board would be entitled to share. Another conversation had reference to the subject of clothing, and he is represented to have said that there was plenty of gray cloth on board, and men who could make it up—that is, for the confederate uniform. If these conversations were to be credited, it would go very plainly to show the service in which the men were to be engaged. The witnesses, however, are open to much observation, and I certainly would recommend you, with reference to evidence which has been obtained or "nursed" by means of such practices as we have heard these witnesses confess to, I would advise you to receive all they say, more especially with regard to conversations, with extreme caution. But I would call attention to the fact to which it is important we should advert. It was not denied on the part of Mr. Rumble that after the vessel had shown her true colors, and her true character was no longer disguised, and when

he confederate flag was hoisted and confederate officers were on board of her and in command of her, and when she was to all intents and purposes a confederate vessel; when this came to his knowledge he neither remonstrated with those who (as it is represented) had made him their dupe and their fool in the transaction, nor did he wash his hands of all further participation in the enterprise; but, on the contrary, he went on engaging men, and seeking them out for the purpose of engagement. Let any man consider what would have been his conduct if he had found himself placed in the position in which Mr. Rumble is represented to have been placed; a British subject, an officer in the royal navy, perfectly aware of the law, perfectly aware that in lending himself to an enterprise of this kind he was violating his duty as a subject and an officer in the service of the Crown, finding that he had been induced to take part in such an enterprise by representations that it was an adventure in the China trade, what would have been the course any one would have taken who found that he had been made an innocent instrument of such a design? Would not his first impulse have been to remonstrate with those who had placed him in such a false and painful position? But we hear of no such remonstrance; and not only so, but he engages a number of boiler-makers, and not merely sends, but takes them over to Calais, and goes with them to Calais, and induces them to work on the ship. Gentlemen, I feel that I should not have discharged my duty if I had not asked you to consider these circumstances. Not, indeed, that what he may have done at Calais is the subject-matter of this indictment; but it throws light upon what was his understanding and intent in the earlier part of the transaction, and upon that which is the subject-matter of the inquiry, viz: the state of his mind and the intention with which he did the acts charged against him; and for this reason, that it is difficult to conceive that a man who had not the mind and intent alleged at the time the matters took place which are the subject of this prosecution, and who had found out that he had been made an instrument of in the matter, would have gone to do what was necessary to carry out the design. It is well, therefore, that you should direct your attention to these matters. And I should add, that if you are of opinion that this part of the case is true, then it may tend to confirm the credibility of the witnesses who speak to the specific facts which are the subject of the indictment. Now, gentlemen, the indictment is divided into two main heads or branches; one is as to the equipment of the vessel for the service of the Confederate States; the other is as to the enlistment of men for that service. As to the former, I did not understand the solicitor general to ask you to give a verdict on those counts which relate to the equipment. The vessel was bought as a hull, that is, with only her machinery and without masts, sails, or spars, and destitute of warlike stores of every kind. And nothing appears to have been done to furnish or equip her, or supply her with materials or munitions of war. Therefore, I do not see how the trifling things which the defendant is alleged to have done, not amounting to an "equipment," could be a ground for convicting him under these counts of the indictment. They, therefore, may be dismissed from your consideration. The point to which your attention is to be directed, and upon which you are asked to give your verdict for the Crown, is the counts as to the enlistment of men. Now, as I have already said, what takes place at Calais does not come within the statute, and the only part of the case which could do so is that which took place at Sheerness.

The lord chief justice here entered into an elaborate analysis of the evidence as to the enlistment. His lordship read some passages from the evidence of Firth and others, and observed: It plainly appears from this that the idea in every one's mind was, that the vessel was going on a trial trip and then to China. It also appears that all the engagements made by Mr. Rumble were temporary. His lordship then called attention to the evidence of Newman as to the interview with Mr. Rumble after the vessel had started, and said, if this evidence were uncontradicted, I should say that there could be no doubt as to the knowledge of Mr. Rumble. But there is an answer to this in the evidence of Mr. Greathead and young Mr. Rumble, who deny this interview altogether. As to the hurried nature of the departure of the vessel and the defendants having been on board, there is the evidence of the defendant's son and daughter, and, in fact, of Mr. Greathead also, who showed most conclusively (if they are to be credited) that the defendant was in different places until half past 11 o'clock. and could not well have been on board at that time. As to the evidence of Thompson, that is certainly very material (if it can be depended on) in showing that the defendant knew that these engagements were for the confederate service. But the daughter contradicts all this, saying that they could not have seen her father at the time they swear to, as he was not there at that time. There is, then, the evidence of Malouey and some others (into which also his lordship elaborately entered,) and that, gentlemen, continued his lordship, makes the case of the prosecution, and it appears to come to this, that the engagement of the men was to serve on board the vessel on what was called a trial trip for a fortnight. It further appears that, up to the time the vessel left, none of them had the remotest idea that the ultimate destination of the vessel was that she should enter into the confederate service, and that they or any of them should enter into that service, but that the notion at the time was that after the trial trip was completed she would go to China and embark in the opium trade; that some of them desired a permanent engagement in that trade, and that some declined to go, but that none of them had any notion that the vessel was intended to be used in the confederate service. But then the great question presents itself, whether, supposing that the defendant knew what the ulterior purpose or object of the vessel was, and that, so far as he

engaged the men, he did so with the view that they should, when the vessel had gone away from Sheerness, be induced to enlist in the confederate service, whether that comes within the act, or would constitute an offence at common law. We will not, however, stop to enter into that inquiry now; but if you should be of opinion that he did procure them to enter into engagements nominally for a trial trip, but with the ulterior purpose on his part of getting them into a position in which they might be induced to enlist in the confederate service, you had better find the defendant guilty, the point being reserved for the consideration of the court whether or not that would constitute an offence either at common law or within the statute. But you must first be satisfied in your own minds that he did procure the men to engage in the "trial trip" with the object that they should be afterwards induced to enlist in the confederate service. Now, that would depend a good deal on the question, What was the purpose with which the vessel left Sheerness? Did she go, in fact, upon a "trial trip?" or was the intention to get her out of the river, and beyond the reach of English law, that then the enlistment in the confederate service might be carried on with impunity? Now, certainly the case as it was at first presented on the part of the prosecution was that the vessel had been suddenly taken out to sea at night, without any idea of "a trial trip," and taken over to Calais; but there was a good deal of evidence on the other side (much of it coming from the witnesses for the Crown) which well deserves your serious consideration. If Mr. Rumble, whatever might have been his secret notions or consciousness of the destination of the vessel, and how much there might have been of impropriety on his part in taking part in a transaction of this kind—if his object in engaging these men was simply that the vessel should go out on a trial and come back, it would be quite different from a design to get the vessel out under the pretence of a trial trip, and thus get the men into a position in which they might be induced to enlist in the confederate service. Now, what was the state of the vessel when she went out? If we believe Mr. Pearson, the purchasers, in reselling her, were under a legal obligation to repair and equip her at an expense of about £5,000; and if so, it is idle to suppose that those who had thus bought her would have taken her out of the hands of the sellers, relieving them from the obligation to do these extensive and essential repairs. In what condition, then, did she go to sea? It appeared that she had nothing to fit her for a voyage further than for a mere trial trip, and that is a fact which tends to show that the statement is true that it was a mere trial trip. If so, and if it was intended simply to send the vessel out on a trial trip, and to see if her engines and boilers were all right, and then come back into the river and continue in the possession of Mr. Pearson and the sellers in order to her being equipped and repaired, it would be idle to ask you to come to the conclusion that Mr. Rumble, whatever part he may have taken in the engagement of the men, engaged them with a view to the confederate service, and in that view of the case the defendant ought to be acquitted. But if you believe that the vessel was to go away to Calais in order to get out of the reach of the English authorities, and that the object of Mr. Rumble in engaging these men was that when they were on the other side of the water they should be induced to enlist in the confederate service, then he ought to be convicted. The representation of Mr. Pearson was that it was intended that the vessel should come back, but that her boilers gave way, and that she had to go into harbor; that then she had to show her flag; and that it was then that the confederate flag was hastily made up and hoisted; and that the confederate officers came on board, and the true character of the vessel was declared. It is for you to decide what was the intention of Mr. Rumble in engaging these men, and what was the true motive and intention of the transaction itself. Did he know that she was intended for the confederate service, and did he lend himself to the purpose by engaging men with intent that they should be enlisted into that service? Gentlemen, it is a case of the gravest importance. It is of the gravest national importance that the law in this respect should be observed and upheld. No nation professing neutrality ought to tolerate that its subjects should take upon themselves to assist one or other of two belligerent powers—powers at war with one another. It is not consistent with its own national honor—I will not say safety, for it is a phrase you, perhaps, would not approve—but it is not consistent with its best and truest interests, and its real honor and welfare, that such a course should be permitted. Above all, one is grieved to find that an officer in her Majesty's service should, either directly or indirectly, have lent himself to a purpose so contrary to his duty and to the honor of the Crown. Gentlemen, I must say that I cannot look without great regret at a part of the case resting upon evidence which cannot be doubted or gainsaid—the conduct of Mr. Rumble in going over to the vessel after her true character and destination had been disclosed. But we must not press that too far; and though it may show that at that time, at all events, he had the intention of assisting the equipment of the vessel for the confederate service, it does not conclusively show what his intentions were at an earlier stage of the transaction. On the other hand, you must not lose sight of this—especially in reference to conversations and other parts of the case pressed against the defendant—that much of the evidence is open to the gravest suspicion. One regrets to find that in this country any person should be found who, acting on one side or the other, should pursue such an abominable system as that which appears to have been pursued in coaxing these witnesses, and keeping them together in the manner which we have heard of, with unlimited and extravagant refreshment and amusement, and supplies of money. Not that I blame those who instituted the prosecution for giving subsistence money to those witnesses

whose avocations would call them out of the country, and who could not be expected to remain here without support while earning no wages, and no fault can be found with the reasonable sums disbursed for that purpose by a respectable firm of solicitors at Rochester on behalf of the admiralty. But I speak of the unlimited, extravagant debauchery which has been carried on by that man O'Kelly, (who I hope, for the credit of this country, is not a British subject)—it is with reference to that I speak; and I would advise that the evidence of witnesses thus dealt with should be received with extreme caution. At the same time, if the probabilities of the case, when you come to look at the other circumstances and the concurrent testimony of all the witnesses, lead to the conclusion that those statements are true, they are not lightly to be set aside. Then comes the question, what do they amount to? Do they show that the defendant engaged the men with intent that they should be enlisted in the confederate service? That depends not only on the terms and manner of their engagement, but upon the real intention and design of the parties concerned. And what that was it is for you to say, judging from all the circumstances in the case.

The jury, who had listened to this charge with the utmost attention, then consulted among themselves for some time. In the result, however, they returned a verdict of ***not guilty***, which was received with some applause.

[From the London Times of February 7, 1865.]

The story of the Rappahannock has at last been elucidated by a judicial inquiry, and it certainly discloses a very gross abuse of our neutrality by some person or persons unknown. The acquittal of the defendant, Mr. Rumble, only proves that in the opinion of the jury he was the tool of others; it does not in the least degree negative the fact that a flagrant breach of the foreign enlistment act was committed. The second section of our act, as our readers are well aware by this time, prohibits the hiring, retaining, engaging, or procuring any one to enter the service of a foreign belligerent, and makes any such act a misdemeanor. Under this section, Mr. Rumble, being the inspector of machinery afloat in her Majesty's dock-yard at Sheerness, was indicted in the month of June last, and although he was also indicted under the famous 7th section, which is directed against illegal equipment; yet, as this charge was virtually abandoned, everything really turned on the former. The trial was commenced before the lord chief justice of England, and several witnesses had been examined on behalf of the Crown, when an important question arose on the statement of a person called Newman, and the lord chief justice thought it his duty to adjourn the trial for the production of further testimony. The result has shown that the delay was necessary for the purposes of justice, and Mr. Rumble doubtless owes the verdict in his favor to the evidence in contradiction of Newman, which he has thus been enabled to adduce. Whether he has cleared himself of all complicity with practices derogatory to the honor and interests of the government whose servant he is, can only be determined by a careful perusal of the whole case.

A screw gunboat, called the Victor, of about five hundred tons burden, and carrying six guns, was offered for sale by the admiralty in 1863. It was purchased for £9,000 on behalf of Messrs. Gordon, Coleman & Co., ship-owners, of London, through a Mr. Zachary Pearson. Who was the real owner does not clearly appear, but Messrs. Coleman were the registered owners, and after being stripped of her warlike fittings, the Victor was delivered to them on the 10th of November. It was given out that she was destined for the China trade, and it was whispered that she might be employed in carrying opium. She was re-christened the Scylla, and government workmen belonging to Sheerness dock-yard were employed in repairing and adapting her for a mercantile voyage—a proceeding which strikes us as strange, but which does not seem to be unusual. This went on until the 24th of November, when the scenes were shifted, and the Scylla quitted the Thames in the middle of the night, towed out by a government tug, and steered direct for Calais. By the time that she reached that port she was the Rappahannock, her old name having been painted over, and a confederate flag, according to the testimony of several witnesses, having been hoisted during the voyage. Very few, if any, regular sailors were on board at this time, but a number of boiler-makers, stokers, &c., were transported in her across the channel, and were urged by the new captain, who then appeared for the first time, to enlist in the confederate service. They were offered £8 a month wages, with £10 bounty and a prospect of prize money and "fame." Many were induced to comply, more boiler-makers were sent for from England, coals were taken in, and the unlawful equipment of a confederate cruiser was advancing rapidly towards completion, when the French government intervened and marred the whole plot by closing the egress from Calais.

We have next to see what part Mr. Rumble played in this mysterious transaction, and, that we may be in no danger of misrepresenting it, we shall here follow the guidance of the lord chief justice. It was not denied that from the time of the sale to that of the departure for Calais, while the Scylla was the property of a private firm, he was constantly on board, and provided her with men, who were afterwards solicited to enlist under the confederate flag. Without relying too much on the details of conversations as reported by witnesses of very doubtful credit, it is abundantly evident that he gave active assistance to the owners *in hiring* a crew. Not only so, but he certainly used expressions implying that they might

took for larger profits than could be expected in the ordinary merchant service. If we believe all that was sworn on behalf of the Crown, we must suppose that he went much further than this; that he talked, for instance, of gray uniforms, and afterwards openly declared that he was going to see the confederate agent; but this last assertion was emphatically denied by parties alleged to have been present at the time, and whose attendance was procured for the adjourned trial. It is also fair to point out that, whatever Mr. Rumble's impressions or suspicions may have been, almost every one else really believed that the vessel was going to China, and that the engagements actually made by him were merely temporary. In fact, it was contended by his counsel that the voyage to Calais was nothing more, at least so far as he was aware, than "a trial trip," and that he had no idea of abetting a scheme for placing her beyond the reach of English law, where the foreign enlistment act might be safely defied. The objection to this charitable view was that, after the *dénouement* at Calais, when the confederate flag had been hoisted and confederate officers were in command of the Rappahannock, Mr. Rumble "neither remonstrated with those who (as it is represented) had made him their dupe and their tool in the transaction, nor did he wash his hands of all further participation in the enterprise, but, on the contrary, he went on engaging men, and seeking them out for the purposes of engagement." He not only sent them, but himself took them over to Calais, and induced them to work on the ship, and, though an innocent motive for this journey was suggested, we must attribute such an act on the part of a government officer, under such circumstances, to imprudence of a kind that is hardly credible. But, then, as the lord chief justice reminded the jury, the offence charged was one that must have been committed in this country. Though Mr. Rumble's conduct at Calais might be conclusive proof that he had then a guilty knowledge of the vessel's true character, and an intention to assist the confederate agents, it could only be used indirectly and retrospectively to show what his purpose was in engaging men at Sheerness. The jury, who had already intimated an opinion that he was not cognizant of the Scylla's destination at the earlier stage, gave a favorable construction to the whole affair, and Mr. Rumble may congratulate himself on having sailed very near the wind with impunity.

There are many to whom this result, like that of the Alexandra case, will seem thoroughly unsatisfactory, and who may hastily impute to the imperfection of our law what is really due to the shadowy nature of the facts to be proved. A breach of the foreign enlistment act in some respects resembles an act of bribery, and is perfectly unlike most crimes and misdemeanors. A man cannot commit murder or burglary by proxy, nor can there be much doubt as to the *animus* of those to whom, whether as principals or accessories, such deeds are brought home. But the criminality of an illegal enlistment may be so distributed among various parties that a conviction can hardly be obtained. By a judicious reticence, A may keep the dangerous secret locked up in his own breast, while B, who asks no questions, does the work at his request, and C, a stranger to all that has happened, gives the finishing stroke of illegality at the last moment. Where both are so liberally rewarded, in promises at least, the arts of evasion will keep pace with the arts of espionage. The interposition of a "French firm" between the purchasers of the Scylla and the confederate agents would have made it difficult to convict any British subject whatever of equipping the Rappahannock contrary to law. At the same time, the system of "nursing" witnesses, plying them with unlimited refreshment and amusement and supplies of money, which was found to have been carried on by federal agents, weakened the credit which would otherwise have been due to their statements. It was a case in which diamonds were employed to cut diamonds, and it is not without a sense of satisfaction that we learn how unprofitable these clandestine dealings sometimes turn out. Mr. Pearson, who does not deny that he has sent the confederates ships (of what kind he does not specify,) complains piteously that while the federals robbed him of the ships, the confederates refused to pay for them. It is possible, therefore, to burn one's fingers in these speculations without coming within the grasp of the law. In this instance a tolerable profit was realized, for the vessel, after undergoing some repairs, was sold for £20,000, part of which was paid in cotton bonds. It is not for us to say how British merchants can reconcile such questionable dealings with their consciences, but that dockyard officials should be parties to them is absolutely intolerable. So far from agreeing with Mr. Bovill's strictures on the prosecution of Mr. Rumble, we hold that our government was morally bound to undertake it, and that it has elicited facts which more than justify its interference.

Mr. Adams to Mr. Seward.

No. 873.] LEGATION OF THE UNITED STATES,
London, February 9, 1865.

SIR: I presume that you will have received information of the escape of the iron-clad steamer Olinda from Nantes, and the transfer of rebel seamen and armament from the steamer City of Richmond, sent from this port, at the island

of Houat, on the French coast, from other sources, much more fully and circumstantially than I have been able to obtain. In treating of the matter I shall, therefore, confine myself to the share that I have had in the subsequent proceedings.

The first intelligence I had came on Saturday, the 28th January, in a telegram through Liverpool from the consul at Nantes, stating the facts in not a very clear way. So far as I could then understand it, the whole affair had been carried on under French connivance, and with French instruments, so that I took it for granted that Mr. Bigelow, at Paris, would be the proper person to take care of it. At the same time I knew that Mr. Dudley, at Liverpool, who had first received the information, would let the government know of it by the steamer that sailed that day.

On Sunday last I received from Mr. Perry, at Madrid, a telegram announcing that an iron-clad steamer, mounting three guns, with seventy-four men, had put into Corunna to repair damages. It was called the Stonewall. Not having a doubt of the identity of this vessel, I immediately sent a telegram to the consul at Flushing, directing him to notify Commodore Craven at once of the facts. He replied, the same day, that the commodore was already gone to Dover, to which place he would forward my message. I have not since heard anything either of the message or the commodore.

It turns out, from later information, that the steamer first called by a French name, l'Expeditif, which met this vessel to supply the men and armament was in fact the British steamer City of Richmond, which I knew to have left London about the 13th of January, with a number of men enlisted for the rebels. I had already apprised the British government of the fact of her departure, though I could not then mention the destination. And the Stonewall turns out to be one of M. Arman's vessels, built originally in France for the rebels; then negotiated for by the Danish government, and sent to Copenhagen for inspection, but rejected by it as not satisfactory; next examined and inspected by Mr. Barreda, the Peruvian minister, and found unseaworthy; and, lastly, slipped out of France by the original party that was responsible for it, and had failed to get rid of it. Under these circumstances it does not surprise me that after trial in the bay of Biscay she should have put into Ferrol to repair damages. My impression is that, as usual, the rebels will meet with a disappointment greater than their success. If Commodore Craven does not dispose of her, she will be lucky if she gets across the Atlantic in any shape. With a proper degree of vigilance on the part of our seamen, her prospect of getting into Charleston will not be very brilliant, much less of doing our fleet the anticipated damage. Forewarned is forearmed against every such effort.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 874.] LEGATION OF THE UNITED STATES,
London, February 10, 1865.

SIR: A great change is taking place in the impression here of the issue of the American struggle. I had occasion to observe it on Wednesday evening, the first time of any revival in society in the present season. This is not brought about entirely by the public news. Throughout the war there has been a constant passing and repassing of private individuals of both nations, whose reports have always had much effect on opinion in private circles here.

In previous years these reports have tended to confirm the cherished impression of the ability of the rebels to maintain their original position. I have reason to believe that this season there is a marked change. Indeed, the accounts of the exhaustion of the country, as they come to me indirectly from these sources, far exceed the most exaggerated estimate published in our newspapers. As there is no imputing this testimony to hostile feeling, it carries with it the more weight. This is made visible even in the columns of the London Times, which has materially changed its contemptuous and flippant style of criticism. I now find its policy, admitted to have been to stimulate a disruption of the United States, freely condemned, and the failure to adopt the precise opposite point quite as freely lamented, in some quarters where no such sentiments have been uttered before.

Under these circumstances I cannot but think the policy to be adopted towards Great Britain from this time forward as of no little consequence to the future well-being of both nations. Much cause as we have to be indignant with the greater part of the governing class, for the very gross manner in which they have betrayed their partiality to our disadvantage, it is fitting to remember that another, and not inconsiderable, portion of the nation has steadily persevered, against all discouragement, in upholding our cause. Our victory will be equally their triumph. It will react very largely upon their popular elections. The ministry itself, though failing in the element of courage, has, for the most part, aimed to be friendly. It has steadily discountenanced every overture from abroad to a different course of action. I am not sure that at one moment a slight variation, stimulated by some of the adverse influences within it, might not, if unrestrained, have led to a material modification of our present prospects of success. In any event it would have imposed much greater difficulties in our way. It may be well to keep all these considerations in mind, in regulating the extent to which our just irritation might carry us. In proportion as we arrive at the term of our immediate struggle will be the necessity of being prepared to meet a new emergency. The general fear now is that the domestic reconciliation will be simultaneous with a foreign war. It may have the effect even to interpose new obstacles immediately in our way. It is important, if possible, in some indirect way, to soothe these alarms. I trust I have done no more than my simple duty in making these representations.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1263.] DEPARTMENT OF STATE,
Washington, February 13, 1865.

SIR: The manœuvres of Major General Thomas, with the army of the Cumberland, though not yet fully developed, are nevertheless exciting great alarm in Alabama. Rebel reports give us our only information concerning the advance of Major General Sherman in South Carolina. It appears certain that, on the 8th instant, he had broken communication across the Edisto, between Branchville and Augusta.

Lieutenant General Grant has extended and advanced his line to Hatcher's Run, below Petersburg, so as to materially affect the insurgent communication with North Carolina. The operation cost a severe battle, but the advantage gained is supposed to be remunerative. Ice in the rivers and harbors has delayed some of the troops sent forward to re-enforce General Terry in his operations against Wilmington.

The return of the so-called peace commissioners to Richmond seems to have been made the occasion for a vigorous effort to revive the flagging resolution of the insurgents, by exaggerating the consequences of our success. I give you what comes to us as an abstract of a speech of J. P. Benjamin, which, I think, betrays a consciousness that the rebel cause is desperate. Our private information from Richmond is that the panic existing there does not yield to the remedies applied by the insurgent physicians.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., &c., &c., London.*

(The same, *mutatis mutandis*, to all our principal ministers in Europe.)

[From the Richmond Whig of February 10, 1865.]

Mr. BENJAMIN'S SPEECH.

Mr. Benjamin was then introduced. He said: The animation that pervades the meeting, the cheers with which you greet the defiance of our foemen, the flush that tingles in your cheeks at the proposition that we, freemen, should bow the neck to the conqueror's yoke—all give assurance that the fires of freedom burn unquenchably in your souls. How great the change of a week ago! Then despondency and gloom pervaded all things. Men, querulous at disappointments, fretful at reverses, asked whether peace was attainable but by continued warfare; then, the wish being father to the thought, they held that it was our indisposition to negotiate, rather than the objectionable terms of the foeman, that was in the way. Now, cheerful voices are heard all round; now, hope beams upon all countenances; now, the cheering, the ennobling influence of our glorious women sheds its influence upon our cause, and leads us on in the paths of duty and honor. What is the cause of this sudden change in our affairs?

Have we found allies, as our fathers did? Has any European ship of state swung loose from the icy fetters of timidity and indifference? Just the reverse. There comes across the waters no voice that any aid is to be had. What, then, is the cause of all this change? It is the knowledge which has at last come home to the hearts of the people that they must conquer their freedom or die! To live a slave never entered into the mind of a southerner. [Cries of never.] Thank God, the path of duty is clear before us now, and that this people knows as one man that we must follow it or perish. Our commissioners went not as the Venetian ambassadors, with a piece of blank paper, but with a paper upon which was a word writ by our president; and that word was independence and self-government. [Cheers.] The single plain issue before us is to live free and independent, and not subjected and slaves.

[He read a letter from Lincoln touching reception of commissioners.] In December Lincoln declared that he was willing to negotiate with us. He knew that the one thing needful was a severance from that hateful people to whom we owe the desolation of our land and the slaughter of our brothers. Lincoln knew it. Six weeks afterwards came an intimate of Lincoln's, one of his trusted confidants. He had a private interview with the President and took a letter from him. [Read the letter.] Mr. Blair said he was no messenger from Mr. Lincoln, and as he said that, he (Benjamin) could draw no other conclusion than that he was his messenger, as he took great pains to reiterate it several times. [Laughter.] The transaction on the part of the president was carried on on the basis of two countries; on the part of Lincoln on the basis of one and a common country. When Blair came here there was a prospect of some arrangement. There was some hope that, as if by a magic wand, the struggle could have been stayed, and everything made to remain in its own condition. Under this condition of things, was it strange that our president, who is a tender-hearted man, should strive to stay the flow of blood by an attempt to effect peace?

Confident as was the president in the theory of our vice-president, what better could he have done than to have sent him to strive to secure this peace? He had sent him and he has failed, and the people knew what they could expect. Now, is it enough to make resolves, to say that we will perish or be free? Talk can't win battles, resolves can't fill treasuries, good intentions can't feed men. Everything in this country belongs to the confederate people or the Yankees. Everything held here is held in trust for freedom. What should we take from the people—take all the cotton? He would give all he had; and he still had some left in his far southern home. What was the scene that greeted Farragut's eye as he rounded the crescent upon which stands New Orleans? The lurid glare of burning cotton. Did men stop to ask to whom it belonged? No. It sufficed that the Yankees wanted it that they should not get it. How was it when Sherman advanced through Georgia? The cotton on fallacious pretexts was left to go and feed Lincoln's treasury. With these examples, has *any* man holding a bale of cotton the right of withholding it from the country? [No, no.]

He asked the same of the tobacco. He wanted more; he wanted the grain, the bacon, and everything that the gallant men in the trenches wanted, and he wanted it free. [Cries of take all.] Talk of your rights and possessions. What right and possessions would your arrogant foeman leave you? [Cries of none.]

But this was not all that he wanted. He wanted more men for the defence of our freedom. Should any prejudice stand between the wants of our brave soldiers in the trenches? They wanted aid, and what consequence was it whether that aid was white or black? [Cries of "Put the negroes in the army."] He then gave some figures, showing what was the arms-bearing population of the south between eighteen and forty-five, leaving out Kentucky and Missouri, when the war began. He then showed the force brought out by the Yankees since 1861 to 1864, showing it to be three millions against one million confederates struggling for freedom. Had we been touched with the fire of prophecy, and could we have seen things as we see them now, would we have objected to put this element in the army? [Cries of "No; put the negroes in the army."] He would make this proposition: Let us say to every negro who wants to go in the army, go and be free. But let us not impress him, as we are told that if the negro is impressed he will fight against us. No side but the Yankee has offered to give them freedom if they fight for them, and the Yankees are the best bargain-drivers in the world. Whilst we should never imitate the Yankees in anything, let us, at least, imitate them in this. Let us encourage the bravest and best among our negroes with the assurance of freedom, and, his word for it, the negro would fight better for us than for the Yankee. With us they would have the hope of securing freedom and a home; with the Yankees their freedom is at best precarious, and they cannot live in cold northern climes. With his early traditions concerning slavery, with all his prejudices against using the negro for this purpose, he was willing to give up both to meet the necessities of the hour. This policy could not be inaugurated by the confederate government. It should be done by the States. But which of the States would inaugurate the measure?

If Virginia now but gives the lead in this great measure of public safety, South Carolina, which those who know not her people tell us falters now, will soon follow, and all the others after! But when will this policy be inaugurated? [Cries of "Now! now!"] Yes, now. Let us lose no time to try that measure. Although he is no alarmist, he would say, let us do so now, or we must make up our minds to see the army defending the capital recede.

We had just heard from one of the speakers (Mr. Hunter) that the skulkers and deserters would now come forth. But these, he thought, were vain delusions. Tennessee, Arkansas, Louisiana, and Texas were all beyond our reach as sources of re enforcements. If the broad Mississippi was not between us he would show where re-enforcements could come from. He would turn to Louisiana, and ask for aid from her who had so cheerfully tendered that aid in the beginning; for she had sent to Virginia two gallant brigades of nearly nine thousand men, nearly all of whom were now mouldering in their graves in the soil of Virginia.

He then read an extract from the New York Tribune of the 6th, being a commentary on Butler's speech, and he asked: Could the imagination reach the depth of infamy and degradation proposed for us by the plan of placing the negroes over us as task-masters?

He next read an extract from the New York Post of November, 1864, showing the destiny of the black race, which was to be that which had overtaken the Indian. The negro had been protected by the south until he had reached a population of from 700,000 in 1790 to 3,000,000 in 1864. And this is the inhumanity charged against us by the false philanthropists of the north. The only hope of the negro race was, therefore, with us of the south. The north asserted that the progress of the white race would be the decline of the negro race; and by decline they meant that the blacks must perish to make way for the whites. The destiny that awaits them, therefore, on the success of the north is annihilation; with us, it is comfort, plenty, and the security of their existence.

There was another thing he wanted, and that was to have the croakers hanged. Turn them over to the soldiers and let them execute judgment upon them. He wished that every one who was circulating sensation reports should be treated in this manner. These men who had enjoyed the ease and plenty of the home circle, who had never spent one night out of their warm bed, and never lost a meal, were croaking while the soldiers were passing resolution upon resolution to carry on the war to the bitter end to whip the Yankees, and when they got through with them they would turn round and whip the croakers. He then read extracts of the resolutions adopted by various regiments.

He concluded by saying that we were to have a bitter struggle throughout the year. Let every one nerve himself for the conflict. If we can but pluck from the heart-strings of the people the love of money, we are free.

Mr. Seward to Mr. Adams.

No. 1265.] DEPARTMENT OF STATE,
Washingtno, February 31, 1865.

SIR: Your despatch of the 26th of January, No. 865, has been received. I thank you for the very careful survey it presents of British national sentiment

in regard to our civil war, and for your judicious suggestions touching the conduct of our affairs in the present crisis. Judging from recent indications, the desire for separation in the south is not now intense enough to induce a resort to the measure of universal emancipation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1269.] DEPARTMENT OF STATE,
Washington, February 13, 1865.

SIR: I transmit a copy of the joint resolution of Congress, approved on the 9th instant, relative to the notice to terminate the treaty of 1817, regulating the naval force on the lakes. You may make such use of the same as may be necessary or advisable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c., *London.*

THIRTY-EIGHTH CONGRESS, SECOND SESSION.

JOINT RESOLUTION to terminate the treaty of eighteen hundred and seventeen, regulating the naval force on the lakes.

Whereas the United States of the one part, and the United Kingdom of Great Britain and Ireland of the other part, by a treaty bearing date April, eighteen hundred and seventeen, have regulated the naval force upon the lakes; and it was further provided that "if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice;" and whereas the peace of our frontier is now endangered by hostile expeditions against the commerce of the lakes, and by other acts of lawless persons, which the naval force of the two countries, allowed by the existing treaty, may be insufficient to prevent; and whereas, further, the President of the United States has proceeded to give the notice required for the termination of the treaty by a communication which took effect on the twenty-third November, eighteen hundred and sixty-four: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the notice given by the President of the United States to the government of Great Britain and Ireland to terminate the treaty of eighteen hundred and seventeen, regulating the naval force upon the lakes, is hereby adopted and ratified as if the same had been authorized by Congress.

Approved February 9, 1865.

Mr. Seward to Mr. Adams.

No. 1270. DEPARTMENT OF STATE,
Washington, February 13, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch of the 26th of January, which is accompanied by a copy of a note that Earl Russell wrote to you on the 21st of January last, in regard to the affair of the Roanoke at Bermuda. Earl Russell is content in that paper with assuring us that our consul had not sufficient evidence to justify a conviction of the parties who were engaged in that port in enlisting seamen for the pirate vessel, and that her Majesty's government recognized the insurgents of the United States as a belligerent.

His lordship has not controverted the facts upon which our complaint in the matter of the Roanoke was based. I shall not, therefore, take pains now to re-

state them. They show that Bermuda has been made a base of hostilities against the United States, and in this respect that island is in the same situation Canada has occupied. Her Majesty's government have very promptly taken extraordinary means to secure the maintenance of neutrality in that province. In a practical sense, Bermuda is as much a border province in regard to the United States as Canada is, yet it now appears that her Majesty's governments do not think themselves called upon to exercise the same vigilance and diligence in Bermuda which are exercised in Canada. It seems, therefore, to result that, in order to secure its just rights, this government is left to discriminate in its conduct between Bermuda and Canada, to the prejudice of the latter. We await, for this reason, with new solicitude the further progress of events in the two provinces, respectively.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

CHARLES FRANCIS ADAMS, Esq.,
&c., &c., &c., London.

Mr. Adams to Mr. Seward.

No. 877.] LEGATION OF THE UNITED STATES,
London, February 15, 1865.

SIR: I write this line out of the ordinary course to inform you that yesterday Lord Russell invited a conference with him, at which he made an important and friendly communication. The papers in connexion with it, which he said were to be put into my hands, have not yet been received, neither could I report the conversation so fully as I ought to do by this steamer. I therefore confine myself simply to the expression of a hope that the disposition thus evinced, however late, may yet have an effect in checking the irritation that has been lately growing between the two countries.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 879.] LEGATION OF THE UNITED STATES,
London, February 16, 1865.

SIR: I have the honor to transmit copies of correspondence held with Lord Russell on the subject of outfits of vessels for account of the rebels, as per list annexed.

When I received his lordship's latest note of the 8th, I thought it susceptible of so triumphant a reply that I had it in my mind to prepare one without delay.

Subsequent reflection, however, caused by information of a peculiar character which had then reached me, modified my views, and determined me to desist from any such proceeding.

I am utterly at a loss in attempting to give the proper measure of confidence to the intelligence referred to, which has come to me indirectly from France, but not through English or American agency. I can only say that the two sources of it are of high character, though by no means to be presumed to possess the confidence of the Emperor, and that they are wholly distinct from one another.

The substance of the story is, that the Emperor felt so keenly the danger of his Mexican creation, in the event of a reconciliation in America, that he was organizing a powerful naval armament at Cherbourg to meet any sudden emergency, and at the same time was making earnest efforts to press this government to an engagement to co-operate in any line of policy which might be deemed necessary to anticipate future hazards to both parties in America, even to the extent, if necessary, of giving aid to the rebels, to prevent their sinking under pressure. At the same time it was said that the Emperor would not act at all unless sure of this co-operation.

So many rumors of the same sort have been spread by the adroit and intriguing emissaries in the French capital, for their own purposes, and have proved so utterly unfounded, that I habitually give no faith to them. But I was at the same time told that the solicitation to this government was not likely to prove successful, provided the fears of this country were not played upon by the powerful interest in sympathy with the rebels to such an extent as to overbear the resistance of the majority of the cabinet. Although, in my own mind, I was fully convinced that the more any such urgency might be used from that quarter, the less would be the probability of any consent of this government to be made an instrument for any such purpose. I had not been unaware of the efforts in the press and elsewhere to stir up the popular apprehension of what was to follow in case the rebellion should be subdued. I had heard—

1st. That enormous claims for damages for the ravages of the vessels let out of English ports would be immediately presented, to which Great Britain could never give any countenance.

2d. That the rescinding of all the various treaty engagements, especially in connexion with Canada, was to be only a prelude to an advance into that country of the great armies liberated from the war.

Seeing the bearing of all these movements to be to stimulate the notion that a quarrel was about to be picked by ourselves, and that the more decided and irrefutable any note of mine to Lord Russell at this time might be, the more it might have a tendency to add to these suspicions, I deliberately came to the conclusion, for the present, to let the correspondence drop.

I presume that you must have received by the last week's steamer a report of the proceedings of the House of Commons on Friday evening, the 10th instant. You will there have noticed the elaborate and bitter attack of Sir John Walsh, opening out the whole policy heretofore imputed to the party to the policy hostile to us. I am happy to be able to say, however, that on all sides it is pronounced to have been an entire failure, and not to have elicited even from our best-known enemies a single cheer of approbation. The reply of Lord Palmerston was, on the contrary, received very favorably, and was regarded as a complete check upon all similar demonstrations. I thought it, on the whole, the most unexceptionable speech I had known him make on the subject; and the next evening, being at a reception at his house, I took the opportunity privately of expressing my thanks to him, for it is at once serving the best interests of both countries. I thought he seemed a little gratified by what I said.

It was plain to me, from the proceedings, that even if the Emperor had ventured upon any overtures, of which I feel great doubts, he had not yet taken much by his motion. It was at this moment I received a note from Lord Russell, asking me to call upon him on Tuesday, at 3 o'clock. I went accordingly. Then it was that I received the communication of which I gave you intimation in my hurried despatch, No. 877, of the 15th instant, which went out of the customary course in the steamer of that date. I now proceed to report to you my interview.

His lordship said he had asked to see me in order to let me know the result of the deliberations of the cabinet on American affairs. With regard to the *state of things* in Canada, in view of the instructions which had been sent by

Mr. Cardwell to Lord Monck, of the action that had been taken by Lord Monck himself of the measures in progress in the legislature, and of the decisions of the courts of the province, it was thought that enough had been done to establish confidence there.

With respect to the difficulties that had been occasioned on this side by the proceedings of the confederate agents and their friends, in fitting out vessels and enlisting men to carry on the war, from this country as a base, the cabinet had come to a determination. This was to direct him to address a letter to the three persons who had, some time since, written to him as authorized agents of the confederates at Richmond, on another subject, Messrs. Slidell, Mason, and Mann. These persons were believed to be, all of them, now at Paris. Such a letter had accordingly been prepared. He proposed now to read to me its contents. Accordingly, he read it over slowly and deliberately. After he finished, he said it was proposed to furnish me with a copy for my government. He had already, on Monday, sent the letter to Lord Cowley, at Paris, to be forwarded to his address. In order to be still more sure of its destination, however, he proposed to send a duplicate to Washington, with a request that, through the channels of communication which appear to have been established between that place and Richmond, it might, if thought proper, be transmitted by us.

I then said that I had listened to the reading of the letter with much satisfaction. That I could not, at the moment, say what view my government would take of it, or of the proposition to transmit it through its agency. I could, myself, perceive no objection. Possibly the other side might be disposed to refuse to receive it, because it came in that way. His lordship remarked that he had first sent it directly to the agents to guard against that difficulty. He alluded to the refusal of the government to permit a vessel to pass, on a former occasion, as having been based upon other reasons which did not seem to apply to this case. I said it had always seemed to me a matter of surprise that some course of this kind had not been earlier taken. The proceedings complained of were of a most outrageous kind. Indeed, so far as I could remember, a deliberate, systematic attempt like this to conduct a naval war from the territory of a neutral power was wholly unprecedented. I had regretted it the more that the toleration of it appeared to be establishing a precedent of a most pernicious character in all future cases; and, particularly, to us it was setting an example which would hardly fail to be followed by myriads of loose people, among us, who might be induced, by the hope of profit or of adventure, to embark in any cause, no matter how unprincipled or desperate, that promised fair returns of spoils on the ocean. His lordship said that such ships might be anywhere taken; to which I assented, but at the same time reminded him that this was a war of a novel character, that depended mainly upon the skilful use of modern science, in furnishing vessels of the most speed, at once to overtake the helpless and run away from the strong. In short, it was an emulation in racing in which the governing power took the chances against itself. His lordship did not seem disposed to contest this. He alluded to the various efforts that had been made to stop these outfits under the law, and to the difficulties which had been met with at every step. I remarked that I had become convinced, from the result of the last trial, that the United States could stand no chance before a jury. His lordship said that it was in consequence of doubts of the Crown lawyers, in the case of the ironclads, as to the possible presence of one or two advocates of the confederates on the jury; that it had been decided to buy them up. People here now took sides, almost as vehemently on our question as we did ourselves. It was to be regretted, but there was no help for it. Under the circumstances, they must do the best they could.

From all which it appears, plainly enough, that this measure of a letter has

been finally adopted, as the only alternative, after consciousness of the utter failure in a resort to the law as a means of preventing this gross abuse, and of the impossibility of procuring from Parliament any amendment to make it more effective.

The closing remark of his lordship, as I took my leave, was significant. Alluding to the possibility of a failure of this letter in producing any effect, he remarked that the question would be of going on; to which I replied, that I hoped it might prove equally convenient to us whether the one party should be made to stop or the other to go on.

This conference was one of a most friendly character, and convinced me that, whatever might be the desires of the French Emperor, nothing but the grossest mismanagement on our part would effect any change in the established policy of this ministry towards us.

I have since received a note from Lord Russell, with a copy of the letter. I send a copy of the former with the latter, just as it came to me, preserving a copy of it to place in the archives of this legation.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

REBEL RECRUITING IN AND NAVAL EXPEDITIONS FROM LONDON; CASES OF THE CITY OF RICHMOND, THE HAWK, THE VIRGINIA, AND THE NO. 40, OR LOUISA ANN FANNY.

1. Mr. Adams to Lord Russell, January 14, 1865.
2. The same to same, January 14, 1865.
3. Lord Russell to Mr. Adams, January 16, 1865.
4. Same to same, January 27, 1865.
5. Mr. Adams to Lord Russell, January 30, 1865.
6. Mr. Morse to Mr. Adams, January 27, 1865.
7. Lord Russell to Mr. Adams, February 1, 1865.

THE SALE OF THE SEA-KING.

Lord Russell to Mr. Adams, February 1, 1865.

THE LETTERS FOUND ON THE FLORIDA.

1. Mr. Adams to Lord Russell, January 18, 1865.
   [For above letter see Mr. Adams's despatch No. 857, current series.]
2. Lord Russell to Mr. Adams, February 8, 1865.

THE AJAX AND HERCULES.

1. Mr. Adams to Lord Russell, February 7, 1865.
2. Mr. Dudley to Mr. Adams, February 2, 1865.
3. Same to same, February 4, 1865.
4. Advertisement; paying crew of the 290.
5. Lord Russell to Mr. Adams, February 8, 1865.
6. Mr. Adams to Lord Russell, February 9, 1865.
7. Deposition of John Melley, February 6, 1865.
8. Advance note—the Ajax, January 9, 1865.
9. Deposition of George Smith, February 6, 1865.
10. Lord Russell to Mr. Adams, February 9, 1865.

LORD RUSSELL TO THE REBEL EMISSARIES, DEMANDING THE DISCONTINUANCE OF EXPEDITIONS AND ENLISTMENTS FROM GREAT BRITAIN.

1. Lord Russell to Mr. Adams, February 15, 1865.
2. Lord Russell to Messrs. Slidell, Mason and Mann, February 13, 1865

Mr. Adams to Lord Russell.

UNITED STATES LEGATION,
London, January 14, 1865.

MY LORD: I have the honor to submit to your consideration a copy of a letter received from the consul of the United States at this place, furnishing information of certain proceedings, believed to be conducted in violation of the neutrality of this kingdom.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Adams to Earl Russell.

UNITED STATES LEGATION,
London, January 14, 1865.

MY LORD: Since despatching my note this morning I have received further information in regard to the subject to which it relates, from the same source. I hasten to submit to your lordship's consideration a copy of another letter from Mr. Morse, dated this morning.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 16, 1865.

SIR: I have the honor to acknowledge the receipt of your letters of the 14th instant, enclosing copies of two letters, dated respectively the 10th and 14th of this month, which have been addressed to you by the United States consul in London.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c., London.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *January* 27, 1865.

SIR: With reference to my letter of the 16th instant I have the honor to inform you that it does not appear to her Majesty's government, from the information which you have furnished to me, or from such information as they have otherwise been able to obtain, respecting the Hawk and the City of Richmond, that either of these vessels is intended for the war-service of the so-styled Confederate States, still less that there has been any illegal equipment in this country of either vessel.

With regard to the men supposed to have enlisted into the confederate service, the greater part of whom appear to have already sailed for Nassau by the City of Richmond, it seems, indeed, to be probable that they came together for some purpose connected with the war-service of the Confederate States; but there is no evidence in the possession of her Majesty's government to show either that any particular persons among them, being natural-born subjects of her Majesty, have enlisted in that service, or have left this country with a view to such enlistment, or that any of them, whether natural-born subjects of her Majesty or not, have been induced to enlist in this country, or to go from here for the purpose of enlistment, by any particular person or persons now amenable to her Majesty's jurisdiction.

The information which her Majesty's government possesses with regard to such of these men as belonged to the Florida rather leads to the conclusion that when they arrived in this country from Bahia, they, whether subjects of her Majesty or not, were already in the confederate service, and that no new enlistment or engagement in this country need be supposed in order to account for their coming together and going out to a port from whence they may be able to proceed to the Confederate States.

I have, further, the honor to state to you that when the particular facts relative to the engagement of the crew of the Florida were under the consideration of her Majesty's government, on the occasion of the presence of some of them at Liverpool, it was found that they had been engaged and shipped at Mobile, in the Confederate States, under circumstances which did not seem to her Majesty's government to justify the expectation that they could be

successfully prosecuted for any offence against the foreign enlistment act. Whether the men now in question were part of the same crew, or were enlisted for the Florida at some other place and under different circumstances, does not at all appear.

Her Majesty's government are, therefore, of opinion that there is not at present any such evidence before them of a violation of the foreign enlistment act—either by the equipment or fitting out of the ships Hawk and City of Richmond, or either of them, or by the enlistment or procurement of men in this country for the confederate war-service—as would justify them in taking any legal steps in the matter.

I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, January 30, 1865.

MY LORD: I have had the honor to receive your note of 27th instant, in answer to mine of the 16th, furnishing information of certain operations of the emissaries of the American insurgents within this kingdom.

I now have the honor to transmit a copy of another letter from Mr. Morse, the consul at this place, giving further information on the same subject. The object of these papers is to furnish cumulative evidence that this kingdom is, in point of fact, yet made, as it has been heretofore continually made, the base of operations, hostile to the people of the United States on the ocean, by the agents and emissaries of the insurgents in conjunction with British subjects.

However skilfully this action may be covered, the fact itself cannot but be regarded by the nation liable to be seriously affected by the results as a practical violation of neutrality, as well as a legitimate cause of complaint.

It is not in the province of a party injured by such a steady and persistent course of aggression to enter into any examination of a suitable policy of prevention, if the proper means are not already in existence. It is sufficient for the present purpose that it should endeavor to place upon record the evidence which goes to justify its painful sense of the wrong that is committed at the hands of a nation with which it is at peace.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be,

My lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c.*, *&c.*, *&c.*

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, January 27, 1865.

SIR: The privateersmen who left the Thames on the City of Richmond went to Cherbourg, France, where they remained on board about one week. I learn from our consular agent at Cherbourg that they are *now* on board a steamer at Omanville, waiting to be transferred to the corsair on which they are to serve.

The City of Richmond has left the port of Cherbourg, and as is supposed proceeded on her voyage to Bermuda, for which island she cleared from the port of London.

If the men were intended for service of any kind on the other side, would they not have continued their voyage on the City of Richmond, as she is nearly new, and in the late storm on the coast proved an excellent, staunch sea-boat? I think there is no question about the men being engaged for the rebel service, and received £10 advance here before leaving.

It has been said for the last month or more in the councils of confederate agents in Europe, and even by the head of their navy department in Europe, Commodore Barron, himself, that they expected to get out two privateers, at least, by the last of January or early in February. Possibly the City of Richmond may be one of them, and may have gone to the place appointed to take on her armament, crew, &c.

There are two ships or steamers now in this port of which there are better reasons for suspicion than there was of the Sea King, now the Shenandoah. One is the Virginia, a few days ago the Zealous. She is a sister ship to the City of Richmond. She is nearly new, over 450 net, and said to be a remarkably fine vessel. She went, I learn, to Greenwithe this morning. She has, so far as known to us, nothing but coals in at present, and had not cleared for any port last evening, though her crew signed articles for Bermuda, and there their arrangement ends. She will probably leave the river to-morrow, perhaps earlier. The other is a double-screw steamer, just completed for Mr. Dudgeon, the builder of the *privateers* Tallahassee and Chickamauga. She is now called No. 40, and is entered out for

Bermuda. I have seen this steamer, and think she must be not far from 800 tons, and not at all suitable for blockade-running; she is too large and draws too much water.

Like the Sea King, any steamer now destined for privateering fits away as a commercial vessel, and there is nothing about her movement before she leaves port, or until within a few hours of her leaving, when she may suddenly change owners, and her master be given authority to sell at a *given* sum *out of* British waters, to create any mistrust of the purpose of those who control her here.

Under such a mode of operations it is next to impossible for us to get testimony *in season* and sufficiently strong to ask for their detention. The only course left me, therefore, is to call your attention to all cases offering any reasonable ground of suspicion, and leave them to be disposed of as you may deem most expedient.

No. 40 is now in Victoria dock.

I remain, with great respect, your obedient servant,

F. H. MORSE, *Consul.*

Hon. CHARLES F. ADAMS, *United States Minister.*

P. S.—Since writing the above I have learned that the double-screw No. 40 has Louisa Anna Fanny on her stern, without stops between the names. She is 900 tons, and the men on board who went on the trial trip say she went eighteen miles per hour. This is probably an exaggeration, but no doubt she is very fast.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February* 1, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, enclosing a copy of a letter addressed to you by Mr. Morse, respecting the vessels, the Virginia and the Louisa Ann Fanny, which are suspected to be intended for the service of the so-styled Confederate States, and I have to inform you that I have referred these papers to the proper department of her Majesty's government, in order that due inquiry may be made in the matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February* 1, 1865.

SIR: With reference to the case of the Shenandoah, I have the honor to inform you that having ascertained the names of the brokers by whom that vessel had been sold, I caused them to be asked whether they had any objection to state the circumstances under which she was sold, and particularly whether she was sold to an agent of the so-called Confederate States.

I have been informed by the brokers, in reply, that the Shenandoah, then the Sea King, was sold by them to a British subject at Liverpool, in the usual way, and that the bill of sale, &c., passed through her Majesty's customs in due order. The brokers further state, that after the sale of the vessel they had nothing whatever to do with her, and that she remained in dock for some weeks, being entered out for Bombay.

The brokers add, that they are not aware, nor have they any knowledge, that any confederate agent had anything to do with the ship during her stay in this country.

I have the honor to be, sir, with the highest consideration, your most obedient, humble servant.

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February* 8, 1865.

SIR: I have had the honor to receive your note of the 18th ultimo, calling the attention of her Majesty's government, with reference to the papers therein enclosed, to the proceedings of Confederate agents in this country.

I have now the honor to state to you that after careful consideration of these papers there appears to me to be nothing in them upon which any person can be convicted of a breach of the law. Her Majesty's government will apply the law with strictness, but they cannot go beyond it.

I may observe that a great part of this correspondence relates to arrangements to be carried into effect in France, and not in this country.

With regard to your observation that it is for you to point out the operations of confederate agents, inconsistent with the neutrality of the United Kingdom, and that it is the duty of her Majesty's government to consider how these operations can be checked and prevented for the future, I have to point out to you that her Majesty's government, having used all the means in their power to prevent the fitting and arming of vessels in their ports to cruise against the vessels of the United States, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and pacific obligations of Great Britain, cannot consider themselves bound to answer for the acts of every individual who may evade the operation of the laws by fitting out and arming vessels bought in this country, in some distant neutral port, or on the seas beyond her Majesty's jurisdiction. For such acts no nation does in principle or in practice hold itself responsible.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, February 7, 1865.

MY LORD: I have the honor to submit to your consideration copies of two letters addressed to me by Mr. Dudley, the consul of the United States at Liverpool, touching the building and outfit of a vessel called the Hercules, at Dumbarton, for the purpose of carrying on war against the people of the United States. The history of the Ajax is well known to me from the fact of her accidental detention at Kingston, in Ireland, on her departure outward, by reason of the refusal of some of the men to sail in her, because they had been deceived as to her true character. Yet, instead of inquiring into the truth of the allegation, it appeared that the authorities at Kingston proceeded to punish the men as mutineers.

I likewise have the honor to transmit a copy of an advertisement taken from the Liverpool Daily Post, of the 1st instant, going to show that the crew of the vessel formerly known as the Alabama, being all of them British subjects, enlisted in violation of law, on a voyage of hostility to the United States, are openly paid their wages by agents of the insurgents in a British port, just as if they had been embarked in a common undertaking, fully recognized by all the British authorities.

It is not without great pain that I am constrained to admit the impression that her Majesty's government seem to be almost without the power to restrain the commission of this systematic abuse of the law of neutrality within her territories. I regret it the more that it seems to be gradually fixing in the minds of my countrymen a conviction that there is little reciprocal force in treaty obligations, and hence that it is expedient for them to be released, as far as possible, from those into which their government has heretofore cheerfully entered with Great Britain. I trust I need not say to your lordship that this state of things is regarded by me as most unfavorable to the best interests of both nations, which would, in my view, dictate rather a closer approximation than any alienation.

Not having had any reason to doubt the favorable disposition of her Majesty's government, I still cherish the hope that some additional means may be devised to correct the evils complained of, and to restore that confidence in reciprocity of friendly action which is the only stable foundation of all international relations of amity throughout the world.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

[Enclosures.]

1. Mr. Dudley to Mr. Adams, February 2, 1865.
2. Mr. Dudley to Mr. Adams, February 4, 1865.
3. Advertisement about the Alabama, from Daily Post.

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, February 2, 1865.

SIR: A steamer called the Hercules is now fitting out on the Clyde, and which I understand is a sister steamer to the Ajax that recently sailed from the same river, and built and owned by thes ame parties. I think, from what I learn, she is intended for a gunboat for the

rebels, and has been built for that express purpose. I understand they are fitting her out as rapidly as possible, and that she will be ready for sea in about eight days.

I am entirely satisfied that the steamer Ajax, above referred to, is to be used as a gunboat to make war against the United States, and was built and fitted out for that purpose.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Dudley to Mr. Adams.

GLASGOW, *February* 4, 1865.

SIR: Referring to my despatch of the 2d instant, and the steamer Hercules, which was supposed to be intended for a confederate gunboat, I have now to report that this steamer was built by P. Denny, of Dumbarton, and, as is said, or pretended, for McCleese and Knott, I believe, of Glasgow; but, as I am informed and believe, for the so-called confederate government in the southern States of America, now in rebellion against the United States. She is at present at Dumbarton, on the Clyde, very nearly completed; is to have a trial trip on Wednesday next; has 300 tons of coal on board, and is to sail in a very few days. She is a double screw boat, of 220 tons register, and 500 tons burden, with two engines, combining 150 horse power, nominal; the hull 170 feet long, 25 feet beam, and 11½ feet depth of hold, drawing about 8 feet water; one funnel, two masts; the fore one, brig-rigged; the last, schooner-rigged; the decks flush, fore-and-aft; the timbers are of angle iron, heavy and very close, so as to give her great strength; plated over with iron plates, and two inches of cement in thickness on the inside, and four inches of wood on the inside of the cement; making a thickness of six inches independent of the iron plates. The deck-beams are strong enough to hold guns of any size. From her build and the material used, and the manner it is put together, it would be difficult to make any vessel of her size stronger than she is. The bulwarks are made purposely low, like those of the steamer Alexandra, built at Liverpool, so the pivot-guns and swivels can be fired over them. The hull is divided into three water-tight compartments; the forecastle is fitted up with twenty-two berths, and a mess table for this number, constructed to screw up like those used on ships-of-war. The space in what is called between-decks, or more properly in the middle compartment, is fitted up with thirty-two berths, with a like mess table for their accommodation; then follows the engine-room, and accommodations for the engineers, and then the after-cabin, which has ten state-rooms, five on each side, for the officers. There is no hatchway for taking in cargo, or space in the vessel for stowing anything but her coals, provision, and ammunition for her cruise. She is to carry two pivot-guns, and one or more swivels. No preparations, so far as can be seen, (except the space left,) are made for mounting the guns. It is not probable that this is to be done in port, but, like her sister ship the Ajax, built by the same party, will clear and sail as a merchant vessel, as was also done in the case of the pirates Alabama, Georgia, Oreto, and Sea King, and then, as in the other cases, mount the guns, and take in her ammunition and supplies from some other English vessel, and enter upon her cruise of devastation and destruction. They have put up as a blind across the hinder part of the steamer a temporary wooden tow-rail, to pass her off to casual observers as a tug-boat.

The foreman in the yard, by name of Leslie, a brother-in-law to the builder, says he does not know for what purpose she is to be used, or where she is to go. From the above description you will perceive that she is built for war purposes, and nothing else. My information from private and confidential sources is, that she is for the confederates, and to be used as a privateer to burn and destroy our commerce, and to make war against the government of the United States, of which I have not myself the least doubt. To show the peculiar form, power, and construction of the vessel, abundant testimony can be obtained; but of the intentions of the parties in building her, and the purpose for which she is to be used, I have no positive evidence but from confidential sources, and I suppose none can be obtained short of the parties who are building and fitting her out, and I have no power to compel or make them testify.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. CHARLES FRANCIS ADAMS,
United States Minister, &c., &c., &c.

Advertisement paying crew of the No. 290.

DAILY POST, LIVERPOOL, *February* 1, 1865.

Late confederate screw steamer Alabama.—On and after the 1st of February next, £10 will be paid to each of the crew of the late confederate screw steamer Alabama, (who were on board at the time of her loss,) as compensation for their bags lost in that ship. The money

will be paid on application to Richard Taylor, at the office of M. P. Robertson, esq., Bumford Court, Liverpool, between the hours of 12 meridian and 2 p. m.

Men must produce their discharges, and administrators of deceased men must bring their certificates of administration.

LIVERPOOL, *January* 27, 1865.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February* 8, 1865.

SIR: I have received your letter dated the 7th instant, and delivered at the Foreign Office at a late hour yesterday evening after the close of business; but not being marked immediate, it did not come under the notice of the under secretary of state until 1 p. m. to-day.

The matter shall be immediately attended to, but in the mean time I wish to call your attention to the dates of the letters which you enclose. The first letter of the United States consul, at Liverpool, is dated the 2d instant, and affirms that a steamer named the Hercules is fitting out in the Clyde for the confederate service, and that this vessel is to be ready for sea in eight days. The second letter which you transmit to me is dated Glasgow, the 4th instant, and contains further information respecting this vessel, and states, moreover, that the trial trip is to take place to-day.

In a former instance I was able by means of the lord advocate to prosecute the owners of a vessel building in the Clyde, and to get a verdict entered by consent which defeated the purpose of the confederate agent. But these operations are very quick, and unless I have timely notice I can have but little hopes of stopping these nefarious transactions.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, February 9, 1865.

MY LORD: I lose no time in transmitting to you copies of two depositions which have this moment come to hand touching the outfit of the two vessels from Glasgow called the Ajax and the Hercules. I have strong reasons for the belief that the first vessel is already cruising in the ocean as a privateer, and the other is about to follow her immediately. I scarcely deem it necessary to call your lordship's attention to the deposition of John Melley, as justifying the refusal to proceed on the voyage by the seamen in the examination at Kingston, notwithstanding which they are punished by the authorities as having committed an offence.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

[Enclosures.]

1. Deposition of John Melley, February 6, 1865.
2. Advance note, the Ajax.
3. Deposition of George Smith, February 6, 1865.

Deposition of John Melley.

I, John Melley, of Glasgow, seaman, being duly sworn, depose and say: In the month of January last past, being in want of a ship, saw Captain Adams, of the steamer Ajax, at the Sailors' Home, in Glasgow; he told me she was a tug or tow boat, going to Nassau, and that he would like me to go. I signed the articles for a voyage to Nassau for three pounds ten shillings per month. Two days afterwards, on a Friday, I went on board of her, lying at anchor, about two miles from Greenock—the tail of the bank. She sailed that same night about 12 or 1 o'clock. We arrived at Kingston, Ireland, the next morning. I left the vessel at Kingston and returned to Glasgow. Captain Adams was in command. The crew consisted of eight sailors, twelve firemen, and three engineers. There was one person on board who was formerly the captain of the confederate steamer Fingal, who was to have command of the Ajax as soon as Captain Adams left. I discovered as soon as I got on board of her, and before she sailed, that she was intended for a war vessel. She was fitted up for one in every particular. In the fore part of the vessel eighty-four berths fitted up for the accommodation of the men. There were also mess tables for the same number of men, arranged so as to screw up the same as on a war vessel. I have served on board of a war vessel, and

know something of their construction. I saw two gun-breeches on board. There were five buckets also. The next morning after we sailed I went to the captain and told him I was not going to be shanghied. He replied, that I was not going to be shanghied. I told him this vessel, the Ajax, was a southern privateer, and that I believed she had her guns and ammunition on board. He would hardly give me any satisfaction, but said it was not so. I told him the captain of the Fingal was on board to take charge of her. He made no reply to this, except that he himself was captain now. The captain of the Fingal kept himself concealed as much as he could. He is a southern man. After we got into Kingston we got on the rocks. I told the captain I would not go in the vessel, on account of her being a southern privateer. He denied this. I told him she had guns and ammunition on board. He could not or did not deny this. I told him that if he did not let me go on shore and leave the vessel that I would make a complaint to the American consul and to a magistrate, and have the vessel seized on the ground of her being a confederate privateer. He then agreed that I might leave her and return back to Glasgow, which I did. I have not the least doubt about her—the Ajax—being a war vessel for the confederates in America. All the men on board were satisfied that she was a privateer, and to be used for no other purpose. At the time I signed the articles I received from Captain Adams an advance for £3 and 10 shillings, payable by Patrick Henderson & Co., of Glasgow, ten days after the ship sailed. I knew the captain of the Fingal; saw him when in command of her at Savannah, Georgia.

JOHN MELLEY.

Sworn and subscribed at Glasgow, before me, this 6th day of February, 1865.

A. GALBRACK, *J. P.*

Seaman's advance note.

GLASGOW, *9th day of January*, 1865.

Ten days after the departure of the ship Ajax from the last port or place in the river or Firth of Clyde, in which, from any cause, she may be, before finally leaving for the voyage, for which this note is issued, pay to the order of John Melley the sum of three pounds ten shillings, being an advance of wages, provided the said seaman sails in and continues on board of the vessel, and has previously, and during that period, been duly earning his wages, in terms of the articles of agreement.

GEORGE M. ADAM.

Messrs. P. HENDERSON & Co.,
West St., Vincent Place.

Deposition of George Smith.

I, George Smith, of Dumbarton, iron ship-builder, being duly sworn, do depose and say: I work in the ship-yard of P. Denny, of Dumbarton, and have worked there since the month of August last past. I worked on two steamers built by Mr. Denny—one called the Ajax, which sailed for Nassau some days ago, and on the Hercules, which is still at Dumbarton, and now nearly ready for sea. They are sister ships, were known in the yard as the twin screws, and built off of the same model. I am well acquainted with their construction and everything about them. The frames are of angle-iron—very strong—stronger than I ever saw in vessels of their size. This frame-work is covered with iron plates, strongly and securely riveted to the frame-work. The inside has cement two inches thick, and on the inside of the cement a wood lining four inches in thickness. The cement does not come up to water-mark, but the wood lining comes up above this. The beams that support the upper deck are very close and strong for vessels of this size—strong enough to support guns of almost any size. The hull is in three water-tight compartments. The forecastle is fitted up with twenty-two berths, and a mess table for this number of men, made so as to screw up to the ceiling. The middle compartment is fitted up with twenty-six berths—none of them large enough to hold two persons—with a similar mess table large enough to accommodate this number of persons, made to screw up to the ceiling. The after cabin is fitted up with twelve separate state-rooms. The bulwarks are low—a pivot gun could be fired right over them. The decks of the vessels are flush fore and aft. There is space on each vessel, near mid-ships where pivot guns can be placed. There are also two portholes cut on each side of the vessels, making four portholes on each vessel, but so cut and concealed that they would not be observed by a casual inspection. They have hinges and are secured with bolts on the inside, and can be opened and used at any time. These portholes are suitable for guns. I put on the hinges for those on the Hercules this very day. You cannot see them—the portholes—from the outside. From the best of my judgment these portholes are for guns. I cannot see that they can be used for any other purpose. Each steamer has one funnel and two masts. The fore masts are brig-rigged, the hindmost schooner-rigged. They are to carry very large sails. The screws are double, and driven by two engines. The boilers and engines are so

constructed as to be protected from shot or shell by the coal-bunkers. There is an apartment under the fore peak, all iron, suitable for storing powder, and which has the appearance of a magazine, and suitable for that purpose. From the material used in the construction of the Ajax and Hercules, the strong manner they are built, and the peculiar construction and fittings, I should say that they are both adapted and have the appearance of being for war purposes—what are called and generally known as gunboats—and in my opinion are intended for gunboats and for war purposes. The general opinion of all the people, workmen in the yard, is that they are for war purposes, and they are called gunboats by them—this general appellation by which they were known in the yard. It is not known for whom they are being built by the men, but they suppose and think for the confederates in America.

GEORGE SMITH.

Sworn and subscribed to before me, this 6th day of February, 1865.

W. N. WATSON,

One of her Majesty's Justices of the Peace for the County of Lanark.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February* 9, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, enclosing copies of two depositions respecting the outfit of the two vessels from Glasgow, called the Ajax and the Hercules. And I have to state to you that I have lost no time in communicating copies of these papers to the proper departments of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February* 15, 1865.

Lord Russell presents his compliments to Mr. Adams, and has the honor to enclose a copy of the letter of which Lord Russell spoke to Mr. Adams yesterday as having been addressed to Messrs. Mason, Slidell, and Mann.

Lord Russell to Mason, Slidell, and Mann.

FOREIGN OFFICE, *February* 13, 1865.

GENTLEMEN: Some time ago I had the honor to inform you, in answer to a statement which you sent me, that her Majesty remained neutral in the deplorable contest now carried on in North America, and that her Majesty intended to persist in that course.

It is now my duty to request you to bring to the notice of the authorities under whom you act, with a view to their serious consideration thereof, the just complaints which her Majesty's government have to make of the conduct of the so-called confederate government. The facts upon which these complaints are founded tend to show that her Majesty's neutrality is not respected by the agents of that government, and that undue and reprehensible attempts have been made by them to involve her Majesty in a war in which her Majesty had declared her intention not to take part.

In the first place, I am sorry to observe that the unwarrantable practice of building ships in this country to be used as vessels of war against a state with whom her Majesty is at peace still continues. Her Majesty's government had hoped that this attempt to make the territorial waters of Great Britain the place of preparation for warlike armaments against the United States might be put an end to by prosecutions and by seizure of the vessels built in pursuance of contracts made with the confederate agents. But facts which are, unhappily, too notorious, and correspondence which has been put into the hands of her Majesty's government by the minister of the government of the United States, show that resort is had to evasion and subtlety, in order to escape the penalties of the law; that a vessel is bought in one place, that her armament is prepared in another, and that both are sent to some distant port beyond her Majesty's jurisdiction, and that thus an armed steamship is fitted out to cruise against the commerce of a power in amity with her Majesty. A crew composed partly of British subjects is procured separately; wages are paid to them for an unknown service. They are despatched, perhaps, to the coast of France, and there or elsewhere are engaged to serve in a confederate man-of-war.

Now, it is very possible that by such shifts and stratagems the penalties of the existing law of this country, nay, of any law that could be enacted, may be evaded; but the offence thus offered to her Majesty's authority and dignity by the *de facto* rulers of the Confederate States,

whom her Majesty acknowledges as belligerents, and whose agents in the United Kingdom enjoy the benefit of our hospitality in quiet security, remains the same. It is a proceeding totally unjustifiable and manifestly offensive to the British crown.

Secondly, the confederate organs have published, and her Majesty's government have been placed in possession of it, a memorandum of instructions for the cruisers of the so-called Confederate States, which would, if adopted, set aside some of the most settled principles of international law, and break down rules which her Majesty's government have lawfully established for the purpose of maintaining her Majesty's neutrality. It may, indeed, be said that this memorandum of instructions, though published in a confederate newspaper, has never as yet, been put in force, and that it may be considered as a dead letter; but this cannot be affirmed with regard to the document which forms the next ground of complaint.

Thirdly, the President of the so-called Confederate States has put forth a proclamation acknowledging and claiming as a belligerent operation, in behalf of the Confederate States, the act of Bennett G. Burley in attempting, in 1864, to capture the steamer Michigan, with a view to release numerous confederate prisoners detained in captivity in Johnson's island, on Lake Erie.

Independently of this proclamation, the facts connected with the attack on two other American steamers, the Philo Parsons and Island Queen, on Lake Erie, and the recent raid at St. Albans, in the State of Vermont, which Lieutenant Young, holding, as he affirms, a commission in the Confederate States army, declares to have been an act of war, and therefore not to involve the guilt of robbery and murder, show a gross disregard of her Majesty's character as a neutral power, and a desire to involve her Majesty in hostilities with a co-terminous power with which Great Britain is at peace.

You may, gentlemen, have the means of contesting the accuracy of the information on which my foregoing statements have been founded; and I should be glad to find that her Majesty's government have been misinformed, although I have no reason to think that such has been the case. If, on the contrary, the information which her Majesty's government have received with regard to these matters cannot be gainsaid, I trust that you will feel yourselves authorized to promise, on behalf of the confederate government, that practices so offensive and unwarrantable shall cease, and shall be entirely abandoned for the future. I shall, therefore, await anxiously your reply, after referring to the authorities of the Confederate States.

I am, &c.,

RUSSELL.

J. M. MASON, Esq., J. SLIDELL, Esq., J. MANN, Esq.

Mr. Seward to Mr. Adams.

No. 1271.] DEPARTMENT OF STATE,
Washington, February 16, 1865.

SIR: Our consul at Nassau on the 21st ultimo reported to this department that the steamship Confederate States, or Laurel, the vessel which brought out the guns and crew for the insurgent pirate Sea King to Madeira, started from Nassau on the 18th ultimo, cleared for Liverpool via Madeira; that she had no cargo on board but coal, with which she was heavily laden; that she had several passengers, all of them of the insurgent class. The consul notified the custom-house authorities that she was loading under suspicious circumstances, and they assented and agreed that prior to her sailing she should be thoroughly searched. He went to see her manifest, but was told that it was up at the governor's. It was at first decided to start a British war-ship after her, on the day on which she left, but it was abandoned upon the plea that she had no coal on board, and had not speed to overtake her if she should attempt it; but it was said by the officials at Nassau that if she reached Liverpool she would undoubtedly be seized for her former acts.

It is stated that she changed her register at Charleston, from an English to a pretended confederate one, and is reported to belong to the insurgent authorities. Notwithstanding this state of facts, she carried out from Nassau a ship mail to Liverpool, made up at the post office of the first named port, as is admitted in the correspondence, a copy of which is enclosed, viz: a letter from Mr. Kirkpatrick to Mr. Dillet, the postmaster at Nassau, and his reply, both of the 19th January last.

In view of these circumstances, I must request you to remonstrate with her Majesty's government against the receipt and clearance with mails of the Laurel, now called Confederate States, and demand her detention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Enclosure No. 1.]

Mr. Kirkpatrick to Mr. Dillet.

DEAR SIR: Will you please inform me whether any mail was made up for Liverpool or other places, and forwarded by the steamer Confederate States, which vessel left this port yesterday, and oblige.

Yours, truly,

THOMAS KIRKPATRICK.

STEPHEN DILLET, Esq., *Postmaster, Nassau, N. P.*

[Enclosure No. 2.]

Mr. Dillet to Mr. Kirkpatrick.

DEAR SIR: A ship mail was despatched yesterday for Liverpool by the steamship Confederate States.

Yours, truly,

STEPHEN DILLET.

THOMAS KIRKPATRICK.

Mr. Adams to Mr. Seward.

No. 880.] LEGATION OF THE UNITED STATES,
London, February 17, 1865.

SIR: Owing to the delay in the arrival of the Canada, I only, late yesterday, received from the department the despatches numbered from 1247 to 1255, inclusive.

With respect to the directions contained in No. 1250, of the 27th of January, to present the claims for damages done by the Shenandoah, I am in some doubt what it is best to do. In view of the events narrated in my despatch No. 879, which goes out with this, it might be thought here as not well timed to renew complaints before the effect of the remedy now first to be applied could be seen. Inasmuch as no harm can be done to the claims by postponing action, I think I shall wait until you shall have had an opportunity to survey the whole field.

The news of a probability of peace, which came by the steamer Canada, spread consternation everywhere. The funds fell, the cotton market was paralyzed, and nothing in the city showed animation except the cotton bonds and the United States stocks. There is a singular delusion prevailing here, that no pacification will be made without a recognition of the confederate loan.

The effect seems to have been much the same at Paris, excepting that the cause of panic was different. There, it was the rumor of the Monroe doctrine being made the basis of union, which is construed as hostility to the French influence in Mexico.

Fortunately for the nerves of all parties, the Canadian steamer came in the very next day, with the quieting intelligence that no result had been arrived at.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 881.] LEGATION OF THE UNITED STATES,
London, February 18, 1865.

SIR: I have just received the following telegram, and transmit it as requested:

"Please inform department immediately that Sacramento will start to-night to join the Niagara, at Ferrol, where rebel ram still is reported.

"HENRY.

"LISBON, *February* 18, 1865."

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1272.] DEPARTMENT OF STATE,
Washington, February 18, 1865.

SIR: By a despatch of the 21st ultimo, Thomas Kirkpatrick, esquire, our consul at Nassau, informs me that he was asked by a government officer there on that day what was to prevent the Mary, late the Alexandra, if condemned and sold, being bought by the parties now interested in her, and then started on her errand of destruction, remarking, at the same time, that they would of course take her away from Nassau as a pretended merchantman.

You will be pleased to address to her Majesty's government a remonstrance against allowing the vessel above referred to to leave port, although condemned and sold.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1273.] DEPARTMENT OF STATE,
Washington, February 21, 1865.

SIR: Admiral Dahlgren, commanding the naval forces at Charleston, reported, under date of the 18th instant, that the enemy were evacuating, and he was on his way to enter that important city, the cradle of disunion. The Richmond papers announce the same event, and give us the further information that General Sherman having permanently secured Branchville and Orangeburg, on Friday morning appeared above Columbia, the capital of South Carolina, which was abandoned to him by the rebel chief Beauregard. We have no details of the capture of either of these positions except vague and doubtful rebel reports of three days' fighting at Branchville. The rebels claim to have removed the bullion and the female operators in the paper mint from Columbia. They admit the destruction and loss of immense quantities of government machinery and medicines. The same authorities state that Beauregard retired to a position twenty miles from Columbia, and that Sherman with a large force passed directly through Columbia to Winnsboro', thirty miles on the road towards North Carolina. They aver also that rebel soldiers plundered the town of Columbia while

abandoning it to our forces. The rebel papers report a furious cannonade by our land and naval forces against Fort Anderson, a defence of Wilmington, situated on the east side of Cape Fear, and below that city. They also report significant movements of our forces from Newbern towards the Weldon road above Wilmington; but they say, that as yet the telegraphic communication between that city and Wilmington has not been broken.

The gold market is declining. Government stocks are in high demand. Recruiting is renewed. Exchanges o fprisoners are going forward rapidly. Disaffection speaks out boldly in North Carolina, and a collision has occurred there between rebel troops and rebel deserters.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., London.*

[Same, *mutatis mutandis*, to all our principal ministers in Europe.]

[Enclosed with the foregoing is the following despatch.]

UNITED STATES MILITARY TELEGRAPH,
War Department.

Received February 21, 1865.

CHARLESTON, SOUTH CAROLINA, *February* 18,
Via NEW YORK, *February* 21, 1865.

GENERAL: The city of Charleston and all its defences came into our possession this morning with about two hundred pieces of good artillery and a supply of fine ammunition.

The enemy commenced evacuating all the works last night, and Mayor Macbeth surrendered the city to the troops of General Schimmelpfennig at 9 o'clock this morning, at which time it was occupied by our forces.

Our advance on the Edisto and from Bull's bay hastened the retreat.

The cotton, warehouses, arsenals, quartermaster's stores, railroad bridges, and two ironclads, were burned by the enemy; some vessels in the ship-yard were also burned.

Nearly all the inhabitants remaining behind belong to the poorer classes.

Very respectfully,

Q. A. GILLMORE,
Major General, Commanding.

Major General H. W. HALLECK, *Chief of Staff.*

Mr. Seward to Mr Adams.

No. 1274.] DEPARTMENT OF STATE,
Washington, February 21, 1865.

SIR: I have your despatch of the 2d of February, No. 868. In that paper you inform me that the accounts received in England of the agitation here of restrictive measures to operate in Canada are made the occasion for allegations in private conversation, and in the public press, that a determined spirit of enmity to Great Britain prevails throughout this country. You inform me, further, that a reconciliation between the insurgents and the national authorities is considered less impossible now than heretofore, and that it is assumed that the happening of this event will be simultaneous with a declaration of war by the United States against Great Britain, and a joint advance of the two armies now operating against each other upon Canada. After reading these statements, I am not surprised by the further one, that it begins to be whispered in certain political quarters that the really wise way to avert so grave a danger as the one thus indicated would be to anticipate it by sustaining the insurgents so far as to prevent their ruin, even though it should be at the hazard of a war.

I appreciate fully your suggestion, that we shall conform our policy towards Great Britain to the immediate exigency which the recurrence of the parliamentary elections has created; it being understood that in England our enemies

are chiefly found on what they there call the conservative side, while our friends range themselves under the so-called Liberal banner.

The difficulty consists not at all in following your advice, but in securing a fair and candid consideration of our proceedings by even the Liberals of Great Britain.

We have borne from subjects of Great Britain at home the virtual destruction of our foreign trade, and the feeding and arming of the insurgents from British ports and warehouses. We have maintained free trade and intercourse with the British subjects who dwell in Canada, until we have become unsafe on the border lakes and rivers. Our money was plundered from the banking-houses on the frontier, and all the hotels of the city of New York were simultaneously fired by incendiaries having shelter and protection in the British provinces. These perils and wrongs were incurred after three years of earnest and vigorous but unsuccessful warning and remonstrance. It is thus seen that we have had not one, but many just causes of war against Great Britain. Nevertherless we have not made war, but have only discontinued reciprocal trade, and imposed some restrictions upon intercourse, reserving the power to relax or increase them as the course of Canada and the British government should become friendly or grow more hostile and injurious.

If the moderation thus practiced in regard to Canada is understood by the British nation as an indication of determined enmity to itself, what can we do to correct the impression? We are not able to endure more patiently or more meekly than we have endured, injuries in that quarter. Relaxation on our part, without receiving any guarantees from Canada, would expose us to new aggressions. The case is the same in regard to aggressions from Liverpool and the Clyde. We just now learn that Rumble, who got out the Rappahannock, is acquitted. That vessel is openly and flagrantly used, by persons harbored and protected in Great Britain, as a receiving ship, to man new piratical vessels, which threaten not only our few ships on the ocean, but our blockade and our cities. Mr. Dudley, our consul at Liverpool, writes us that the Ajax has just gone out; that another pirate, called her consort, will go out from a British port, and be armed by British subjects; and yet her Majesty's government, if they pursue the same policy as heretofore, will not only treat those vessels, but even insist that we shall treat them, as lawful belligerent vessels.

Mr. Morse, our consul at London, writes us that the "No. 40," alias Louisa Ann Fanny, a vessel as powerful as the Kearsarge, is likely soon to be afloat, fully armed and manned. The Rappahannock, the Tallahassee, the Chickamauga, and the Shenandoah, all recognized by her Majesty's government as having a lawful belligerent character, are, as we understand, down to this day, standing in the registers of the British customs in the names of British owners, under their former names of Scylla, Atlanta, Edisto, and Sea King. And now comes, at this late hour, a new embarrassment. One of Arman's rams, built at Bordeaux for the insurgents, clandestinely receives her armament from a British steamer off the coast of France.

It must be manifest that, under these circumstances, we are so far from being able to choose a less vigorous defensive policy in regard to Great Britain, that we must rather expect to be obliged to adopt more direct and vigorous measures of resistance to her hostile subjects. It seems to us that her Majesty's government have control of the whole situation. Let them pursue and punish the British subjects who wage these endless and manifold hostilities, or, at least, abandon them to the fate of pirates and enemies of the human race, as they are. Let that government seek peace with us, as earnestly as we desire peace and good relations with Great Britain, and all apprehensions of enmity on the part of the United States will virtually be found to be groundless and chimerical. If any British politicians fear that we shall make hostility to Great Britain a condition of reconciliation with the insurgents, and an occasion for aggression, those politicians are the victims of a delusion which they themselves have created. It is

true, I have intimations from not one, but many insurgent emissaries, that such a condition, if tendered, might be accepted, and that the two parties combined, on some such condition, might end this fearful domestic strife by a common war against any European state we might choose for an enemy. I say to you now, by direction of the President, as I have already said to Mr. Bigelow, that it is the intention of this government to fight the battle through upon the present line, if no European state intervenes; but I cannot, at the same time, omit to say, that the British government, by its toleration of the hostilities of its subjects, forces upon the American people the question most difficult, of all, of solution by popular judgment, whether Great Britain is, or is not, actually intervening in favor of the insurgents.

I have written this despatch with perfect freedom, as a transcript of the feelings of our administration. You will make such use of it as your own discretion shall approve, with regard to the best interests of the two nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., *London.*

Mr. Seward to Mr. Adams.

No. 1277.] DEPARTMENT OF STATE,
Washington, February 21, 1865.

SIR: Your despatch of the 3d instant, No. 869, calling my attention to the report of the charge of the chief justice of the court of common pleas in the case of the steamer Peterhoff, and the proceedings in the case of Mr. Rumble, contained in the copies of the Times accompanying it, has been received. The opinions will receive careful examination. We wait the end of the Rumble case.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., *London.*

Mr. Adams to Mr. Seward.

No. 883.] LEGATION OF THE UNITED STATES,
London, February 23, 1865.

SIR: Despatches from the department, numbered from 1256 to 1261 inclusive, have been received at this legation.

By the report of the debate which took place in the House of Lords on Monday night, which I transmitted in a copy of the Times, you will perceive that the alarmist policy referred to in preceding despatches is actively pursued. The impression is now very general that peace and restoration at home are synonymous with war with this country. The apprehension of this is the true cause of the depression of the funds. The price of cotton is still more affected, but for rather different reasons. It is feared that the opening of the trade will so rapidly diminish prices as to bring on an extensive bankruptcy among the large class who have entered into engagements for a supply from the east. On the whole, I must characterize the present as a period of extraordinary uneasiness and indefinite apprehension as to the future. Under these circumstances it may be well for the government to consider the question how far its policy may be adapted to quiet this disturbance. It is only now that people are beginning to open their eyes to the gravity of the miscalculations they have made of the

issue of our difficulties. A little time must be allowed them to accommodate themselves to the actual state of things, and to let the sympathy with a falling cause die out. Some of the signs of mortification will betray themselves now and then in the parliamentary debates. Due allowances must be made for them. It is in this way that I read the language of Lord Derby and his friends Lords Malmesbury and Ellenborough. I infer that the first named has abandoned all expectation of coming into power on a purely party basis. The new elections are not supposed likely materially to change the complexion of the Commons. In case of the removal of Lord Palmerston the probabilities are considered great of the formation of some compromise, semi-conservative cabinet, with not much strength. It may be affected more or less, however, by the state of our affairs and the notions entertained of our intentions. I write thus in order, as far as possible, to place before you my views of the whole field of operations. I need not explain to you that the impression is sedulously kept up that your own feelings are strongly hostile to this country. I find this to prevail even among a large class of persons wholly friendly to us. I have combated it with them in vain. I do not think it so much entertained by ministers as it was. In this respect the presence of Lord Lyons has done some good.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 884.] LEGATION OF THE UNITED STATES,
London, February 23, 1865.

SIR: I have just come from an interview with Lord Russell. He was unwell, and received me at his own house. I had asked it for two purposes. One of these was to communicate to him the substance of your despatch No. 1258, and especially to point out to him that portion of it relating to the intimation given by the rebel commissioners of some device to unite the sentiment of both sides on an object not defined, yet not difficult to be conceived. The morning's newspapers, however, contain, among the other intelligence from America, the whole of that despatch as furnished to Congress by the President. I therefore contented myself with a reference to the Times, which his lordship had not yet read, and particularly to the passage alluded to, as exemplifying the intriguing nature of the rebel operation. They endeavor to sow distrust between us and foreign powers by proposing on the one side, as a measure of conciliation, the adoption of a policy which may be inferred to be hostile to them in America, whilst on the other they seek aid and co-operation from them by offering to place themselves in the breach against that same policy which they boldly impute exclusively to us.

The other object of my interview related to the contents of your No. 1256. I gave him the substance of it, remarking at the same time that its importance had been much diminished by the later action of her Majesty's government, not yet known to the United States. I then alluded to the reference in Mr. Slidell's letter to some project that had been offered by M. Drouyn de Lhuys through Lord Cowley, in a manner to invite explanations if his lordship felt so disposed. He readily responded. The project, he said, had been little or nothing more than an abstract of that part of the minute of instructions which proposed to save neutral property from destruction, if permission were given to admit it into the neutral ports. It had been considered by himself as inadmissible from the first, but it had been referred, as usual, to the Crown lawyers, who at once pro-

nounced the whole scheme of adjudication on the quarter-deck as involving a departure from the established law of nations, which could not be thought of for a moment. He had in consequence written a letter to Lord Cowley directing him to communicate to M. Drouyn de Lhuys their rejection of it. His lordship did not know what the French government thought of it, but he presumed it could scarcely have held a different opinion.

I said I had inferred that it must have been so. All that I had been instructed to say was, in case of her Majesty entertaining such a proposal, that we should be inclined to enjoy the benefit of this new interpretation of law by claiming just the same rights on the ocean over neutral property. The matter was not worth pursuing any further. I should, therefore, content myself with simply leaving in his hands two intercepted letters of Mr. Slidell that came with the despatch, particularly as one of them appeared to contain some remarks upon himself which might be interesting to him.

I seized the opportunity to mention to him the complaint contained in your No. 1257, of the 1st instant. I remarked that as the Linda Florida was probably a merchant ship, I presumed it would be difficult to do anything with the captain for such a frivolous ebullition of temper. But the consul at Port Mahon had felt it as an insult, and had resented it. His lordship took a note of the name of the ship and captain. He said he would write on the subject to the official agent at that place. He did not think there was any consul there.

Having completed what I had to say, I was about to take my leave, when his lordship remarked that when I came he had expected I was about to discuss a different matter. He had presumed that I was to give notice of the termination of the reciprocity treaty. I replied that the papers had been received by me, with instructions to give the notice at some time after the 17th of March, the earliest period at which it was possible to do so by the terms of the treaty. His lordship said that the subject had been under consideration in the cabinet yesterday, at which he had not been able to attend. He had, however, been apprised that it had been thought advisable, in regard to the notice already given as to terminating the arrangement of 1817, to begin to think of something to substitute in its place. He was not himself disposed to question the reasonableness of our disposition, under the late course of events, to increase our armament, but this would necessarily involve on their part a duty of making some similar provision. He thought that an understanding would be advisable, so that each party could prepare itself accordingly. The same remark might be made of the reciprocity treaty. The interval before its termination might be profitably employed in maturing such amendments to it as would remove present objections. He could not but think that, in substance, both of these compacts had been beneficial to the interests of both countries. I replied that in my own opinion they had been highly useful, and now that the Canadian authorities had taken such vigorous measures to put an end to the operations of the marauders on the border, I inclined to indulge the hope that we should hear no more of them. It was only necessary that her Majesty's government should lift its little finger in earnest, and the whole rebel programme in Canada would be scattered to the winds. The delivery of the men found guilty of these atrocities on the border would act as a preventive against all projects of that kind in future. I was, therefore, in great hopes that the apprehension, justly enough excited at the moment, would soon die away, so that there would be no occasion for resorting to extraordinary permanent measures of precaution. Armaments were expensive and useless. They only served in troubled times to breed mutual suspicions. To judge from the tone in the House of Lords the other day, one would suppose that we were about to pounce upon Canada with our whole force. Yet we had been living for half a century almost uninterruptedly in full reliance on the good faith of each other, and I saw no reason why we might not do so again hereafter.

With respect to the reciprocity treaty, I still believed that the good sense of the country would appreciate the value of many of its provisions too strongly to be willing to sacrifice it entirely. On the Atlantic side it had greatly improved our commercial relations with the eastern provinces. Even at the west, where the greatest dissatisfaction was supposed to exist, I had perceived that the Chamber of Commerce of Detroit had issued an able report, explaining the advantages which had accrued to both sides from that compact; at the same time I was not prepared to say that some beneficial modifications might not be made to it. I should communicate to my government the views which had been presented by his lordship, and I hoped that as soon as the passions temporarily excited by late events had subsided, they would be favorably entertained by the people at home. Of the friendly disposition of the government itself I had no doubt.

I forgot to mention in its proper place that I read to Lord Russell that passage of your despatch which proposes as a mode of meeting the questions growing out of the minute of instructions the exclusion from the rights of belligerents of vessels fitted out from British ports. His lordship replied that the measure had been fully considered, but that the lord chancellor thought there were insurmountable difficulties attending it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1278.] DEPARTMENT OF STATE,
Washington, February 25, 1865.

SIR: You may well be weary of the task of presenting complaints to her Majesty's government, as the ministry is of receiving them. Nevertheless, the rights of the United States and their dignity must be maintained, nor can the just sensibilities of the people be wisely treated with neglect.

I give you herewith a copy of a correspondence between Thomas Kirkpatrick, esq., United States consul at Nassau, and his excellency the governor of that province, and I have to request that you will bring the case which it presents to the notice of Earl Russell.

One of the United States steamships of war, the San Jacinto, was wrecked upon a desolate bay of the Bahamas, and her officers and crew, except such of the latter as deserted their flag and found shelter in the port of Nassau, provided for themselves as well as they could until relief was sent them from the United States. The wreckers recovered from the ill-fated vessel certain movables, and presented their claims for salvage. They required, as they lawfully might, coin in payment of that salvage. Nassau was considered the most convenient port for procuring it. The Honduras proceeded thither to procure the coin. The United States consul, in compliance with the requirement of the Queen's proclamation, asked permission for her to enter. The governor denied permission, declaring that the proclamation forbade the entrance of United States ships-of-war, except in cases of grave emergency and of real necessity and distress.

It is true that the Honduras was not in distress, but she was on an errand consequent upon a case of actual distress, and to make to British subjects the remuneration due to them for the practice of humanity in that case of distress. Not only was the permission refused, but the governor, with manifest want of kindness and of consideration to the United States, broke out into

remonstrances with the officers of the United States for having landed upon the colonial shore on the occasion.

Earl Russell knows human nature too well to be surprised when I state that the Naval Department has brought this severity of the governor towards the United States agents into contrast with the treatment accorded to rebels against the United States, engaged in trade at the Bahamas, in violation of the Queen's proclamation. There was no day, during the month in which this incident happened, that thirty-five blockade-runners were not seen flaunting their contraband flags in the port of Nassau, nor has the hospitality of that port been restricted to contraband merchant vessels. The Chameleon, formerly the Tallahassee, a Liverpool pirate, was lying at that very time in the port, relieved, indeed, of her guns, as well as of her infamous name, but yet still possessing attributes of a pirate. Only a few days earlier the Laurel, a merchant vessel then in the very process of being converted into a pirate, under her new baptismal name of the Confederate States, was harbored in that very port, after having carried from Liverpool to the Sea King the armament, upon receiving which she become the pirate ship Shenandoah. Nor is it forgotten that the Oreto found shelter in Nassau when undergoing a sea change into a pirate ship-of-war, under the name of Florida.

I desire it to be understood that this government does not adopt this painful view of the proceedings of the governor of Nassau, nor does it believe that her Majesty's ministers would have authorized or justified the illiberal proceeding of the governor in the case of the Honduras. On the contrary, it is believed that the case in question was unforeseen when the regulations under which the governor is acting were made. Nevertheless, these reservations can neither be known nor felt by the nation whose sensibilities have been wounded in these transactions.

It ought to be unnecessary to expostulate in our communications with the enlightened government of Great Britain upon the evil fruits of petty irritations on border lines and in colonial ports. The unhappy state of things that has arisen in Canada is quite enough of experience of that sort for the instruction of both nations. Just now such vexatious incidents in the British West Indies are of special importance. Only one considerable seaport town in the region of the insurrection remains in rebel possession; all the rest of the ports have been wrested from them, and that one, as well as every inferior harbor, is hermetically sealed against foreign commerce by blockade. The occasion for which the British policy of recognizing the insurgents as a naval belligerent was adopted has passed away, and it even now operates only to favor the piratical vessels of the Mersey and the Clyde, whose business, like that of the Canadian raiders, it is to make, if possible, an incurable breach between the United States and Great Britain. I pray Earl Russell to consider seriously whether the time has not come for a revision of the maritime policy of Great Britain towards the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London.*

[Enclosure No. 1.]

Mr. Kirkpatrick to Governor Rawson.

UNITED STATES CONSULATE,
Nassau, N. P., January 30, 1865.

SIR: I have the honor to call your excellency's attention to the article in the Charleston Mercury of the 24th instant, in regard to the steamer Rattlesnake, now in this harbor, and which is expected to leave for some port unknown to me to-morrow morning, the Tallahassee *being* also here, and to ask of your excellency to cause an investigation to be had in

egard to their character and purposes. Will your excellency please to return the paper, when examined, as it does not belong to me.

I have the honor to be your obedient servant,

THOMAS KIRKPATRICK.

His Excellency RAWSON W. RAWSON, C. B.,
Governor of the Bahamas.

[Enclosure No. 2.]

Mr. Nesbet to Mr. Kirkpatrick.

COLONIAL SECRETARY'S OFFICE,
Nassau, January 31, 1865.

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday, enclosing a newspaper referring to the character of the steamer Rattlesnake, which has recently entered this harbor, and to inform you that there is nothing in your letter or its enclosure which appears to his excellency to create a suspicion against it greater than that which attaches to every vessel of the same class with which this harbor is filled, or to call for any action on the part of the government beyond that of vigilance, which is already exercised with regard to all vessels engaged in trade with the southern States.

I have the honor to be, sir, your most obedient and humble servant,

C. R. NESBET, *Colonial Secretary.*

THOMAS KIRKPATRICK, Esq.,
United States Consul, Nassau.

[Enclosure No. 3.]

Mr. Kirkpatrick to Governor Rawson.

UNITED STATES CONSULATE,
Nassau, January 31, 1865.

SIR: I have the honor to ask your excellency's permission for the United States ship-of-war Honduras, Captain Harris, to anchor in the harbor to transact some business with this consulate in regard to payment of salvage to the wreckers of the United States ship San Jacinto, lately wrecked.

I am, very respectfully, your obedient servant,

THOMAS KIRKPATRICK.

His Excellency RAWSON W. RAWSON, C. B.,
Governor of Bahamas.

[Enclosure No. 4.]

Mr. Nesbet to Mr. Kirkpatrick.

COLONIAL SECRETARY'S OFFICE,
Nassau, January 31, 1865.

SIR: I am directed by the governor to acknowledge the receipt of your letter of this date, and, in reply, to express his excellency's regret that he is restricted from granting the leave requested on behalf of the United States ship-of-war Honduras to anchor in this harbor to transact some business with this consulate in regard to payment of salvage to the wreckers of the United States ship San Jacinto, lately wrecked, except "in cases of grave emergency, and of real necessity and distress;" and his excellency requests that you will lose no time in conveying this reply to the commander of the Honduras.

I have the honor to be, sir, your most obedient servant,

C. R. NESBET, *Colonial Secretary.*

THOMAS KIRKPATRICK, Esq.,
United States Consul, Nassau, N. P.

[Enclosure No. 5.]

Mr. Nesbet to Mr. Kirkpatrick.

COLONIAL SECRETARY'S OFFICE,
Nassau, February 2, 1865.

SIR: The governor has received a report from the health officer, dated yesterday, notifying that "the passengers, officers, &c., from an American steamer, then in the offing, were on shore, having landed without his being able to visit the vessel." His excellency presumes that this has reference to the United States steamer Honduras, regarding which you communicated with him on the afternoon of the 31st ultimo. He has therefore directed me to request

that you will have the goodness to inform him of the circumstances under which a boat, or boats, landed from the steamer in question, in breach of the quarantine regulations, and under which the Honduras remained off the mouth of this harbor until a late hour of yesterday, after the communications, both written and oral, which his excellency made to you and to her commander on the preceding afternoon.

I have the honor to be, sir, your most obedient servant,

C. R. NESBET, *Colonial Secretary.*

THOMAS KIRKPATRICK, Esq., *U. S. Consul, Nassau.*

[Enclosure No. 6.]

Mr. Kirkpatrick to Mr. Nesbet.

UNITED STATES CONSULATE,
Nassau, February 3, 1865.

SIR: I have the honor to receive your communication of yesterday, informing me that the governor has received a report from the health officer, date yesterday, 1st instant, notifying that "the passengers, officers, &c., from an American steamer, then in the offing, were on shore, having landed without his being able to visit the vessel;" and you add, "that his excellency presumes that this has reference to the United States steamer Honduras, regarding which you (I) communicated with him on the afternoon of the 31st ultimo," and ask me to inform his excellency, the governor, of the circumstances, &c. All I know of the matter is briefly this—that after the interview had with his excellency, on the afternoon in question, Captain Harris left for his ship, and succeeded in reaching her, then in the offing, and after reaching her, stood out to sea; that on the next morning himself and two other officers, as I understood, although only himself and one other were in my office, and did some business, leaving some despatches which had been intrusted to him to be forwarded by mail, and, I believe, purchased some small stores, (this is only known to me by their statements,) and immediately after left for the ship. I am very positive, if the health officer means the officers, &c., of the Honduras, that there was no intention on their part, or knowledge, that they were violating any law of this colony, and can only add my personal regrets it should have occurred.

I am, very respectfully, your obedient servant,

THOMAS KIRKPATRICK.

Hon. CHARLES R. NESBET,
Colonial Secretary of Bahamas.

[Enclosure No. 7.]

Mr. Nesbet to Mr. Kirkpatrick.

COLONIAL SECRETARY'S OFFICE,
Nassau, February 4, 1865.

SIR: I am directed by the governor to acknowledge your letter of the 3d instant, stating the circumstances under which boats and officers from the United States steamer Honduras twice landed from that ship in disregard, in both instances, of the quarantine regulations of this harbor, and in opposition, on the second occasion, to her Majesty's orders and directions, laid down for the guidance of ships of war belonging to the United States, and to the intimations conveyed to yourself and Captain Harris that his excellency could not grant his permission to enter the harbor.

Captain Harris could not have been ignorant of the regulations existing in this and most other civilized countries, which prohibit persons from leaving a vessel arriving at a port until it shall have been boarded and permission granted by the competent officer. The proper course for obtaining this is known to every naval officer. It is presumed that, as consul, you must be familiar with the local law on the subject, and that you must have informed Captain Harris that he was acting in contravention of the law.

Captain Harris must have been aware that United States ships are forbidden to enter the ports or waters of any place in her Majesty's dominions, except under stress of weather, or some other extraordinary circumstances; and, in the latter case, only after having received permission to do so. Such permission was given to the United States steamer Honduras to enter the waters of Abaco, for the purpose of lending assistance to the wrecked ship-of war San Jacinto, but her commander was informed that the governor was restricted from giving it to her to enter those of this island, even in the interest of inhabitants of this colony.

It is true that the governor only denied his permission to anchor; but you must be aware, and Captain Harris must be aware, that both the letter and spirit of the Queen's proclamation, and the whole tenor of the communication with his excellency on the afternoon of the day on which he first landed, prohibited his further communication with the shore, as much as his anchoring in British waters. Captain Harris must also have known that the taking *in of stores* of any kind without the governor's permission was contrary to her Majesty's

orders and directions, which are framed with a view of preventing the ships-of-war of both belligerent parties in the neighboring continent from entering British waters or communicating with the shore, under any circumstances, except in such stress of weather, or such other difficulty, as might endanger the safety of the ship.

His excellency very much regrets this occurrence. As an act of courtesy he abstained from requesting Captain Harris at once to leave the shore, and to remove his ship from the mouth of the harbor, but if he could have anticipated that Captain Harris would have come on shore again, and that his ship would have remained off the mouth of the harbor until a late hour on the following day, it would have been his duty, however distasteful the necessity, to have made this request direct to that officer.

His excellency hopes that you will spare him the necessity, on any similar occasion, by cautioning the commanders of all United States ships-of-war entering these waters, and that you will exert your influence to prevent any infringement of the Queen's territorial rights by ships and subjects of the United States. The governor has already evinced his desire to use every endeavor to prevent such infringements by the belligerents on the other side, or by parties interested in their cause.

I have the honor to be, sir, your most obedient servant,

C. R. NESBET, *Colonial Secretary.*

THOMAS KIRKPATRICK, Esq., *U. S. Consul, Nassau.*

[Enclosure No. 8.]

Mr. Kirkpatrick to Mr. Nesbet.

UNITED STATES CONSULATE,
Nassau, February 7, 1865.

SIR: I had the honor to receive yesterday afternoon your communication of the 4th instant. I do not intend to enter into any discussion whether it was, or was not, a violation of her Majesty's proclamation for a boat to land from a ship belonging to the government of the United States, cruising in the offing, or whether it was a violation of the laws of this colony regarding quarantine regulations; nor will I discuss why vessels belonging to other governments have been permitted to enter the harbor, or land, without let or hindrance, or complaint, as far as I am aware; but I must be permitted to say that I am surprised at the tone of your letter, insisting that Captain Harris was aware of his committing a violation of these laws, when taken in connexion with the conversation had with his excellency the governor the afternoon when Captain Harris and myself had the honor to converse with him in regard to his (Captain Harris's) errand to Nassau, and the reasons for desiring to anchor inside the bar. I shall give the details of that conversation, and all the facts necessary to a full understanding of the subject, to the Department of State of the United States of America, and leave future discussion regarding it where it more properly belongs.

I have the honor to be your most obedient servant,

THOMAS KIRKPATRICK.

Hon. CHARLES R. NESBET,
Colonial Secretary of Bahamas.

Mr. Seward to Mr. Adams.

No. 1279.] DEPARTMENT OF STATE,
Washington, February 27, 1865.

SIR: On the 22d instant Major General Scofield moved against Wilmington with the land forces on both sides of the Cape Fear river, and Admiral Porter at the same time advanced on the river, the insurgents withdrew, and the city was surrendered without having made any resistance. Mobile and Galveston, both of which are closely blockaded, are the only ports remaining in the possession of the insurgents. The air is full of reports of concentration and reorganization on the part of the insurgents.

We have no recent information from our armies in the field. The navy is engaged in repairing damages of battle; and Admiral Goldsborough is preparing for a cruise, with a considerable fleet, in European waters.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1280.] DEPARTMENT OF STATE,
Washington, February 28, 1865.

SIR: Your attention is invited to the accompanying extract from a despatch of the 11th instant, No. 437, from Mr. Dudley, our consul at Liverpool, respecting the English steamer the City of Richmond, which is alleged to have carried out and transferred to the pirate Stonewall its armament, supplies, and crew, and also to the movements of the steamer Laurel, *alias* the Confederate States.

It is presumed that you have already brought the subject to the attention of her Britannic Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Dudley to Mr. Seward.

No. 437.] UNITED STATES CONSULATE,
Liverpool, February 11, 1865.

SIR: I sent you, on Thursday last, a telegram by way of Queenstown, to be forwarded by the steamer which left here on Wednesday, that the report we had about the rebels having one of the iron-clads built at Bordeaux was true. I understand she is now in one of the Spanish ports—has gone there for repairs. The fact that they have her, and that she is partially armed and manned, there is no doubt about. She was met by the English steamer City of Richmond off the coast of France, and her armament, which was made here in England, transferred to her with supplies for a cruise, and an English crew. My information is that she is now called the Stonewall. Fearing that she might attempt to run into some of the northern seaport towns and lay them in ashes—possibly obtain entrance by practicing some deception, as flying the English flag, the same as has been frequently done by these piratical vessels—I have addressed a letter to Mr. Draper, the collector at New York, and requesting him to inform the other collectors of her being loose, and to put them on their guard.

The English steamer Laurel, the same that took out from here the armament and men for the pirate Sea King, returned to this port on Thursday last. She came in ballast from Nassau, in command of Captain Ramsey, an Englishman, the same man who took her out, and is consigned to Fraser, Trenholm & Co. They now call her the Confederate States, of Charleston, and pretend that she has been transferred to the so-called confederate government. She flies the confederate flag.

The schooner Catharine Anne cleared from here on the 9th instant for Nassau, in command of T. Evans. She is 163 tons burden, and was cleared by I. Glynn & Sons. Her cargo consists of three hundred bags of saltpetre, some rifles, and army clothing and blankets intended for the rebels.

The English bark Walkington, of 356 tons burden, commanded by R. Waugh, was entered to load for Nassau on the 31st of January by Prichard & Co. She has taken in already 337 cases of long Enfield rifles, containing 20 in each case, making 6,740, (the cases are marked C. H.—O. B.,) and 800 bags of saltpetre. She will also take in 130 tons of lead and a quantity of machinery, all intended for the confederates.

I understand the English merchants here intend to keep up their communications with the south, and send them supplies by way of Matamoras, Galveston, and Florida, and that they are making extensive arrangements to carry it on by way of these places, especially by way of Matamoras.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1282.] DEPARTMENT OF STATE,
Washington, March 1, 1865.

SIR: Your despatch of the 10th of February, No. 874, has been received. The President is by no means surprised at the phase which our affairs have assumed in Europe. It does not even excite wonder here that, in London as

well as in Paris, we are expected, immediately upon the end of our civil conflict, to begin a course of retaliatory, foreign wars. I do not deny that these apprehensions find some ground of support in the angry tone of our press. It would evince equally a want of national sensibility and of national spirit, if the American press should fail to resent the insult and contumely which the press of Great Britain has so incessantly hurled against us during our four years of struggle and affliction. European statesmen have failed to accept—European politicians have studiously refused to hear our explanations of our position in regard to foreign powers. Notwithstanding our continual protests, they have persisted in derogating us from our place, equal with their own, as a sovereign power in the family of nations, and, so far as they have been able, they have levelled us to the plane of the insurgents. Under cover of neutrality, subjects protected by the government of Great Britain have lavishly contributed material support to the insurgents, and employed every moral engine to aid them in overthrowing the government of the United States. European politicians do not now mistake in supposing that the people of the United States are indulging a profound sense of injury. It would not be unnatural if that sense of injury should impel the nation, as soon as its hands shall once more be free, to demand redress. Demands for redress are very apt to culminate in schemes of conquest. This, however, is not the policy of the President. He deems conquests unnecessary, demoralizing, and injurious to the republic, as he deems revenge and retaliation unworthy the character of a great nation. The sentiments and policy of this government remain unchanged. Every word of peace and good will to foreign states that we have heretofore spoken, and which has been interpreted as the language of policy or of fear, is now spoken as freely as before, when we think that all our dangers are virtually passed. The President does not for a moment think of sending armies or navies with such a purpose or upon such motives as have been indicated into Canada, or the West Indies, or Mexico. There is, however, one necessity that is laid upon him, which he would not be allowed to put aside, if he should desire. He was committed at the beginning of his present term of administration to retake and occupy all the places, posts and forts which the insurgents had then taken, or afterwards should take away from the government, and thus to restore the national authority throughout the Union. He will be committed at the beginning of his next term to every lawful effort that shall tend to restore the national prestige and influence abroad, just as they stood before this unhappy civil war began. Always confidently anticipating the triumph of the Union, and, therefore, always foreseeing the difficulties and embarrassments of our relations with the maritime powers, which must exist if the end of the civil war should find their injurious policy unchanged, we have, in season, and, our defamers say, out of season, appealed to the maritime states, and especially to Great Britain, to rescind in due time such of their proclamations, orders and decrees as derogate from our national sovereignty over all territory and over all the citizens of the United States. Incredulity in regard to our ultimate success has indeed seemed to induce Great Britain to reject these appeals, and now the end of our war is likely to find us face to face with that nation in a very disturbed state of relations. British subjects are still sending forth piratical vessels to destroy our commerce and harass us in our seaports, and these vessels are regarded by her Britannic Majesty's government as lawful ships-of-war. I annex a copy of a telegram just received from Halifax, which shows the dangers of this sort against which we have to guard. Our ships-of-war are excluded from British ports, while our own ports are unreservedly open to theirs. In this unfortunate situation of affairs we shall exert ourselves not less diligently than we have done heretofore to preserve peace between the two countries. We ought not, however, to be expected to do it without conciliation, or at least some show of good will on the other side. Canada is one of the points where the peace of the two countries is immediately exposed. Judge Smith yesterday adjourned the case of the St. Albans raiders eight days, and

thus he has again rendered it impossible for us to modify our restrictive measures in regard to that province. There is reason to hope, however, that, if not the judiciary, the executive authorities of Canada will soon take such proceedings as will reassure the border sentiment. In that case the President will hasten to manifest a renewed sense of security and of liberality towards that important province.

Beyond Canada, however, the prospect of reconciliation is clouded. The neutrality law and the Queen's proclamation seem to us to be little better than dead letters in the courts of Great Britain and in the docks of Liverpool and Glasgow. The Rappahannock, at Calais, is a receiving ship for recruiting agents residing and operating at Liverpool. The Shenandoah is afloat, committing new depredations near the Cape of Good Hope; and then almost daily we hear of a new pirate clandestinely built, armed, manned, and equipped, and despatched from Liverpool. Even Arman's French ram, evading French and Danish laws, employs the services of a British steamer and British merchants to effect its unlawful armament. Can any English statesman expect that the people of the United States will endure an unprincipled maritime war at the hands of any people without resort to self-defence? Shall the governments of the two countries suffer them to drift in conflict? Must the extinguishment of slavery in the United States, an object so dear to both nations, be atoned for by a deadly war between them? Certainly such a consequence is unnecessary. It would be criminal.

I will suggest what I think may avert the danger. Great Britain, I think, must now know, what hitherto she has so strangely doubted, namely, that to the Americans the Union is the one chief dominating object of thought and affection. If they are angry with Great Britain, it is because they believe, with how much reason it is unnecessary here to say, that the British nation has desired and sought the overthrow of the Union. If now Great Britain is satisfied that this cherished object of American affection is entirely safe—safe equally against domestic treason and against foreign intervention, then let her manifest in some way her contentment with that established fact. I do not say that this shall be demonstratively or even formally done. It may be done incidentally, and even as of chance. Let British ministers, hereafter, instead of speaking of us as a nation that is, or ought, or must be divided into two nations, speak of us as they rightly expect us to speak of Great Britain, as a sovereign state, whose integrity we recognize, and of whose elements and factions we, as neighbor and friend, neither know nor care to know anything. I think the Queen of England is as popular in the United States to-day as she is among her own subjects. We refuse to understand her allusions to us in her late speech to Parliament as ungenerous or unfriendly. Why cannot British statesmen be as generous to the United States as their sovereign? Then let the vexatious restrictions upon our intercourse with British ports be removed; and let it be shown that the flag of the United States is as welcome in British ports as the British flag is in our own. Let justice not stumble on her coasts, but pursue British subjects on the decks of British vessels who violate her laws, and arrest them, if need be, on the high seas, under whatever flag they shall simulate in carrying on their piratical warfare against an unoffending friendly power. Great Britain knows, I think, how unexacting we are, and therefore she knows how easily we can reciprocate peace with peace, and even, if it is desired, friendship with friendship. This done, we shall be able to confer calmly upon such claims and questions as remain to be adjusted in a spirit of friendship and good will.

I do not require you to submit this despatch to Earl Russell; you may, however, show any part or the whole of it to him if, upon being informed of its character, he shall wish to see it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Charles Francis Adams, Esq., *&c.*, *&c.*, *&c.*

Mr. Jackson to Mr. Seward.

OFFICE U. S. MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington 6.15 p. m., February 27, 1865, from Halifax, N. S., February 27, 1865.

Hon. WILLIAM H. SEWARD, *Secretary of State :*

Information has reached me from sources believed to be reliable, that four (4) iron-clads are on their way from French and English ports to attack New York city, and that five (5) blockade-running steamers to be converted into privateers, armed with two (2) guns each, are to co-operate with them. Privateers under command of Captain Moffatt.

M. M. JACKSON,
United States Consul.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
Washington, March 1, 1865.

SIR: On the 13th of February last a rebel emissary in Canada wrote in cipher to Jefferson Davis, or some subordinate acting under him, what is appended to this despatch. Judge C. means Clement C. Clay.

I give you this paper for your information. It is important that no publicity be given it, for two reasons: first, the safety of the person from whom my information is derived; second, the importance of concealing our knowledge of the rebel cipher. You will make such use of the facts as you shall find advantageous. The revelation throws some light upon the late rebel proposals to us for conference.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq.

[Same to Mr. Bigelow.]

(*Rebel emissaries to Jefferson Davis.*—(In cipher.)

Answers have been received from the government agents in France and England to the letters of Messieurs Clay and Thompson in reference to the proposition sent here from home, and hence to England, namely, on what terms assistance or recognition could be obtained, and enclosing Judge C.'s direction here before he left. We send the purport. Both agree with Judge C. in disapproving of any concession to European power, even accepting protectorate; also agree in believing better terms could be obtained in the manner suggested by him (Judge C.,) and, in accordance with authorities, endeavoring to learn what would be their action should the course proposed be followed.

The matter was treated in England in the usual unsatisfactory, non-committal manner, but in France M. B. very promptly remarked that no such alliance and course between the two American countries would be permitted by Europe; and again, a few days afterwards, in confidential interview, said his sovereign would punish any attempt on the part of the United States to pursue the Monroe doctrine, and that if it could be made sure the federal government would accept such an offer from the States in revolution, and there were sufficiently fair prospects of the inauguration of such course, and this made the issue of non-intervention, his sovereign would not hesitate to recognize our country as a nation.

In fact the bait seems to have taken there just as Judge —— anticipated. The letters urge that ——— of this nature be made to the Yankee government, and efforts ——— made to draw them into such ——— to their delay.

The letters almost reiterate argument sent them by C., who certainly must now have nearly ——— home and will be with you to explain, so we refrain from sending original documents, fearing capture.

Acknowledge receipt by advertisement.

I now sign this by numerical combination.

Mr. Adams to Mr. Seward.

No. 886.] LEGATION OF THE UNITED STATES,
London, March 2, 1865.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1262 to 1269, inclusive; also three printed copies of the new regulations respecting passports.

On Saturday last the cabinet, finding that the health of Lord Lyons was not likely to be soon restored, decided upon making a new appointment without further delay. On Monday I received a private and confidential note from Lord Russell apprising me that Sir Frederick Bruce had been selected to fill his place. The reason assigned is, the probability that the questions of the late convention and of the reciprocity treaty may give rise to negotiations.

The appointment seems to me a good one. The strong testimony borne by Mr. Burlingame to the friendly disposition of this gentleman in China has been sustained, so far as I have had an opportunity to judge by what I have seen of him since his return home. He paid me a friendly visit on his arrival, since which he has been constantly in Scotland.

It is undoubtedly intended in an amicable sense by the government, and is so regarded here. I had the other evening a few minutes conversation with Baron Brunnow, the Russian ambassador, in which I found him very earnest in pressing this view of the subject. He dwelt on the adverse influences brought to bear here, both from without and within, to bring about a misunderstanding. He seemed to speak from personal knowledge and with great confidence on this point; and he appeared to fear that we were not sufficiently impressed with the importance of counteracting it. I told him how strongly I had myself written in this sense for some time past. He intimated that he should himself write to M. de Stoeckl, at Washington, about it.

It is very certain that the alarmist policy continues to be actively pushed. The Times has fallen into it by perverting, as it too often does, that passage of your despatch No. 1258 which alludes to a proposal made in the conference at Fortress Monroe, by the rebel agents, to raise some extrinsic issue, as if you had favorably entertained it. Much use is made of the notice to rescind the treaties, to prove our intentions to pick a quarrel. The commercial classes affect to be deeply apprehensive of our movements; I learn that some of them decline to enter into engagements of a prospective character with Americans on this ground alone. Thus far the political effect of these operations has been trifling. The government give no countenance to them. At the same time it is undeniable that a little uneasiness is felt by it about the exposed situation of Canada, and the possibility that the popular passions may precipitate us into hostilities on their weak side. I have sedulously endeavored to soothe this feeling by treating the matter as lightly as possible. If the Canadians would but secure the peace of their border, I have said that peace on that side would be perfectly secure, and further precautions become unnecessary.

One curious effect of all these movements is to render the prospect of a reconciliation in America more and more unwelcome. It is regarded as likely to prompt the adoption of a peremptory tone on our part in regard to the unsettled controversies engendered by the war, which will force Great Britain either to make mortifying concessions, or else to bring on a rupture. These apprehensions are, doubtless, aggravated by a consciousness of the false position in which the governing classes placed the country so precipitately at the outset, and their unequivocal later manifestations of ill will. They do not now find so many avenues of public expression as they might, on account of the near approach of a general election. Yet I feel it my duty to dwell upon them a little in order

that the government may be the more fully possessed of the facts, and, therefore, better enabled to adapt its policy to the emergency.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1283.] DEPARTMENT OF STATE,
Washington, March 6, 1865.

SIR: Your despatch of the 9th ultimo, No. 872, and its enclosures, containing the result of the judicial proceedings in the Rumble case, has been received, and is approved.

I reserve for a future occasion the expression of my views upon this subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1284.] DEPARTMENT OF STATE,
Washington, March 6, 1865.

SIR: Your despatch of the 2d ultimo, No. 868, upon the subject of the opinions entertained by a certain class in England who apprehend, upon the termination of our civil war, that the policy of this government towards Canada will be hurtful to the welfare of that province, and therefore deem it advisable to anticipate such an occurrence by sustaining the insurgent cause in this country, has been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1285.] DEPARTMENT OF STATE,
Washington, March 6, 1865.

SIR: I have to acknowledge the receipt of your despatch, No. 877, announcing to me that Lord Russell, in conference with yourself, made an important and friendly communication, which you hope may have an effect in checking the irritation that has been lately growing up between the two countries, and to inform you that I await with interest your report of the conversation which took place during the interview.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1286.] DEPARTMENT OF STATE,
Washington, March 6, 1865.

SIR: Your despatch of the 9th ultimo, No. 873, relative to the Nantes and the subsequent equipment and armament of the iron-clad steamer Olinde, by the aid of the British steamer City of Richmond has been received.

I reserve my instructions to you upon this matter until the result of inquiries in France and Denmark shall have been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c, *London.*

Mr. Seward to Mr. Adams.

No. 1287.] DEPARTMENT OF STATE,
Washington, March 6, 1865.

SIR: Your despatch of the 9th ultimo, No. 870, and of its accompaniments, relative to the opinions entertained by Lords Derby and Russell of American affairs, as expressed in their speeches upon the Queen's address to Parliament, and the efforts of the insurgent emissaries in England, to encourage a distrust as to the future policy of this government has been received. Its suggestions have received attention in other despatches which go out by this mail.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1288.] DEPARTMENT OF STATE,
Washington, March 7, 1865.

SIR: Congress adjourned on the 3d day of March, after having passed all the laws required for the military and naval defence. The session was less disturbed by party spirit than any previous one during the civil war, except the extra session of 1861. Perhaps the most memorable proceeding of the late Congress will be its submission to the States of an amendment of the Constitution for the abolition of slavery throughout the Union. Thus far eighteen States have accepted and three have rejected the amendment. It need not be doubted that within one or two years it will obtain the majority required to give it effect. The Senate was convened in extraordinary session on the 4th instant, and the President elect and Vice-President elect took the oath prescribed by the Constitution. I give you, herewith, a copy of the President's inaugural speech. The popular attendance on the occasion was unusually large, and the ceremony was far more imposing than any previous one of the kind which I have witnessed. It was a peculiarity of this inauguration that simultaneously popular demonstrations of devotion to the Union and joy in its triumphs, occurred throughout the whole country.

The representatives of foreign states had an audience yesterday, and tendered congratulations to the President.

Mr. Fessenden has resigned the Treasury Department and returned to the Senate. He is succeeded by Hugh McCulloch, of Indiana.

We have rumors of military movements not unfavorable to the Union cause,

but their accuracy has not yet been established. What we know is, that General Sheridan is advancing up the valley of Virginia, threatening the Virginia and Tennessee railroad. That Grant remains with the army of the Potomac before Richmond; that Sherman has advanced northward from Columbia, and that Scofield and Foster are moving co-operative forces from the coast. We expect to hear soon of a demonstration against Mobile.

The Canadian legislature has passed judicious and friendly laws; but in the case of the St. Albans raiders, the proceedings upon our requisition yet linger in the courts of the province.

Beale, one of the pirates of the Philo Parsons, has been arrested, tried and convicted by court-martial, and executed for the crime of being a spy.

A Mexican reactionist general, stationed at Matamoras, is giving offence by his collusion with the rebels in Texas, and the proceeding is beginning to produce irritation.

I close this despatch just as the Canada's mails are received, which left Liverpool on the 18th of February.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq.,
Minister of the United States, London.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Seward to Mr. Adams.

No. 1289.] DEPARTMENT OF STATE,
Washington, March 8, 1865.

SIR: The notice which has been given by this government for the termination of the convention of April, 1817, limiting the naval force on the lakes, was indispensable, to enable us technically with honor to protect ourselves from insurgent incursion from Canadian territory. As it is hoped and believed that, under existing circumstances, no further incursions of that character may be apprehended, you may say to Lord Russell that we are quite willing that the convention should remain practically in force; that this government has not constructed or commenced building any additional war vessels on the lakes, or added to the armament of the single one which was previously its property; and that no such vessels will in future be built or armed by us in that quarter. It is hoped and expected, however, that her Majesty's government, on its part, so long as this determination shall be observed in good faith, by that of the United States, will neither construct, nor arm nor introduce armed vessels in excess of the force stipulated for by the convention referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq.,
Minister of the United States, London.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1293.] DEPARTMENT OF STATE,
Washington, March 9, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch of the 16th of February last, No. 879. In connexion with that paper you give me a

copy of a correspondence which has passed between yourself and Earl Russell on the subject of outfits of vessels for account of rebels, described in a schedule annexed to your despatch, as follows:

[Enclosures.]

REBEL RECRUITING IN, AND NAVAL EXPEDITION FROM LONDON; CASES OF THE CITY OF RICHMOND, THE HAWK, THE VIRGINIA, AND THE NO. 40, OR LOUISA ANN FANNY.

1. Mr. Adams to Lord Russell, January 14, 1865.
2. Mr. Adams to Lord Russell, January 14, 1865.
3. Lord Russell to Mr. Adams, January 16, 1865.
4. Same to same, January 27, 1865.
5. Mr. Adams to Lord Russell, January 30, 1865.
6. Mr. Morse to Mr. Adams, January 27, 1865.
7. Lord Russell to Mr. Adams, February 1, 1865.

THE SALE OF THE SEA KING.

Lord Russell to Mr. Adams, February 1, 1865.

THE LETTER FOUND ON THE FLORIDA.

1. Mr. Adams to Lord Russell, January 18, 1865.
2. Lord Russell to Mr. Adams, February 8, 1865.

THE AJAX AND HERCULES.

1. Mr. Adams to Lord Russell, February 7, 1865.
2. Mr. Dudley to Mr. Adams, February 2, 1865.
3. Same to same, February 4, 1865.
4. Advertisement, paying crew of the No. 290.
5. Lord Russell to Mr. Adams, February 8, 1865.
6. Mr. Adams to Lord Russell, February 9, 1865.
7. Deposition of John Melley, February 6, 1865.
8. Advance note, the Ajax, January 9, 1865.
9. Deposition of Geo. Smith, February 6, 1865.
10. Lord Russell to Mr. Adams, February 9, 1865.

Your communications to Earl Russell, which are thus brought to the knowledge of this department, are approved.

In relation to the before-mentioned correspondence you inform me that you have deferred a proposed reply to Earl Russell's note of the 8th of February, which makes an important figure in the schedule, until you shall have received directions upon the subject from this department. The reasons you have given for this delay are satisfactory, and your discretion in making it is commended.

Events have occurred and proceedings have been taken here which seem to me sufficient to remove the grounds upon which the delay of your reply rested. I trust, therefore, that you will, at your early convenience, place the rights of the United States in regard to the transactions involved upon their just foundation, in a proper answer to the above specified note of her Majesty's principal secretary of state for foreign affairs. You seem to me to need no special instructions in regard to either the form or the substance of the paper which you are expected to prepare.

* * * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq.,
Minister of the United States, &c., &c., London.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 889.] LEGATION OF THE UNITED STATES,
London, March 9, 1865.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1269 to 1277, inclusive.

* * * * * * * * *

The news of the fall of Charleston has made a profound impression here. It is greater, perhaps, than any other event of the war.

Meanwhile, the alarmist policy of which I have made mention in former despatches has been carried on by the Times this week to such an extent as to affect the funds unfavorably, every day, and to check commercial operations of all sorts. Yesterday only was there some appearance as if it had been carried far enough. What the meaning of this is I am at a loss to determine. Two letters from the Richmond correspondent of that paper have appeared, both of them making no disguise of the desperate condition of the rebels, even before the occurrence of their latest reverses. I am informed that private letters from the same source are even more unequivocal. Whether these are also intended to warn people here of the hostile direction which their disappointment at not obtaining direct aid may be likely to take in case of their return to the Union, I can only conjecture. However that may be, the result of the course taken by this press has been to inspire a general belief in the possibility of that event, and a corresponding dread of its consequences. Some well-informed persons attribute this tone merely to a desire to force large estimates for the army and navy through a reluctant Parliament. Others consider it as intended only to magnify the importance of retaining the first minister in power in the contingency of the pending dissolution of Parliament.

Although my experience has not hitherto impressed me with a very exalted idea of the principles moving the machinery of statesmanship in this kingdom just now, I can scarcely credit that they should have sunk so low. Yet I find it impossible not to suspect that all this springs from some form or other of prompting in high quarters. I do not believe it to be suggested from the ministry, as a whole, or any considerable number of its members. Here I leave the subject, repeating only the remark made in former despatches, that it appears to me to require careful treatment on our side. However strong may be your statement of our case, embraced in despatch No. 1274—and I entirely coincide in the justice of the argument—to press it there, at this moment, would be only playing into the hands of the mischief-makers, and disarming our own friends. I am not at all sure that the upshot of the matter may not be an endeavor to prepare the public mind for some form of combination with France for mutual defence. This could be brought about only by throwing it into just such a panic as appears to be now prevailing. I perceive, by the newspapers, that something of the same kind is taking place in France.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 890.] LEGATION OF THE UNITED STATES,
London, March 9, 1865.

SIR: In anticipation of the receipts of the comments which are doubtless on their way to me from America, upon the issue of the trial of Mr. Rumble, I now

transmit a copy of a note from Lord Russell to me, of the 8th instant, announcing the course which has been taken respecting that personage by the government. Considering that, in the face of the law, he has been held innocent of the offence, I cannot see that much more could have been done to him than has been done. As an indication of the animus of the government, I think it may be favorably received.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March* 8, 1865.

SIR: In my letter of the 18th ultimo, I had the honor to inform you that a court of inquiry, appointed by the lords commissioners of the admiralty, to investigate the circumstances connected with the departure of the Scylla, or Rappahannock, from Sheerness, had reported that there was no foundation for the assertion which had been made, that the Scylla had been towed out of the harbor of Sheerness by a vessel belonging to her Majesty's navy; and I have now the honor to inform you further, with respect to this matter, that the lords of the admiralty have fully considered the proceedings of Mr. Rumble in regard thereto.

It appeared to their lordships, that as Mr. Rumble has been acquitted by a jury of any guilty knowledge of the true character of the Scylla, up to the time of her departure from Sheerness, they had only to consider his proceedings after that event in forming an opinion with respect to his conduct in the case of this vessel. And the conclusion at which their lordships have arrived is that Mr. Rumble, after the character of the vessel had been openly declared, acted in a manner calculated to afford just grounds for the accusation that an officer employed in her Majesty's service had aided and abetted these parties, who, in violation of her Majesty's proclamation, were concerned in fitting out the Scylla as a vessel-of-war. Under these circumstances their lordships have decided to place Mr. Rumble upon half-pay, as an officer in whom they can no longer place any confidence.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Lord Russell to Mr. Adams.

[Referred to in the preceding note.]

FOREIGN OFFICE, *February* 18, 1865.

SIR: With reference to the assertions that have been made, that the steamer Scylla or Rappahannock was towed by a government tug out of Sheerness harbor, on the 24th of November, 1863, I have the honor to state to you that I have received from the lords commissioners of the admiralty a copy of a report accompanied by a minute of proceedings of a court of inquiry, held by their lordships' order at Sheerness, to investigate the truth of these assertions, and that it results from that inquiry that the members of the court were perfectly satisfied that no government tug, or vessel of any description belonging to her Majesty, assisted or accompanied the Scylla or Rappahannock, on the occasion of her leaving Sheerness harbor on the night in question.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1296.] DEPARTMENT OF STATE,
Washington, March 10, 1865.

SIR: Your two despatches of February 23, Nos. 883 and 884, have been received. Both relate to one general subject, and I shall therefore consider them together. That subject is an apprehension which prevails in British political

circles that the close of our civil strife will be improved by this government to inaugurate a war with Great Britain, in which war Canada will be the objective point. The restrictive policy in regard to Canada which we were compelled to adopt, to counteract aggressions from British provinces and ports, seems to be regarded as a fresh proof of the inimical purpose referred to, while a supposed general unfriendliness on my own part is assumed in justification of the suspicion.

The conciliatory manner in which this government has met the explanations which were recently made to you by Earl Russell appears in my recent despatches. I think it completely removes the ground upon which the suspicion complained of was erected. It can be of little import to the two countries what my personal sentiments or feelings towards Great Britain are, yet, with a view to disembarrass you entirely of the objections raised on that account, I am permitted to say that in no instance has any proceeding which could affect our relations with Great Britain been adopted by this government, during the administration of the present Executive, which has not either originated with or, at least, been cordially supported by myself; to which may be added that the proceedings of the government set forth in my aforenamed despatch were adopted upon my own motion. Whether the policy which has governed our course of proceedings during this painful civil war has been just and friendly towards Great Britain, and towards all other nations, is a question which is freely left to the decision of mankind.

In an interview with Mr. Burnley yesterday, invited by myself, I authorized him to inform Earl Russell that, in my judgment, even had there been no disturbance of our friendly relations with Canada or Great Britain, the late reciprocity treaty could not have been continued beyond its appointed time, without being modified so essentially as to require a thorough revision of the compact, and that such a revision would necessarily involve a submission of the whole subject to not only the Senate, but to the Congress of the United States. I observed further to Mr. Burnley that, in my opinion, it would be utterly unavailing to attempt to negotiate with Great Britain a treaty of reciprocal trade between the United States and Canada, while this civil war continues, with Great Britain in her present attitude, recognizing the insurgents as a belligerent, and thus derogating the United States from their accustomed sovereignty over all the territory and all the citizens of the republic. I gave my reasons for this, namely, that the present condition of things has proved destructive of our national commerce and subversive of friendship between our people and those of Great Britain. I further stated to Mr. Burnley that there seems good reason to believe that this civil war has already come, or is about coming to such a crisis that we may look for an early recognition of our full national authority by Great Britain, and that when that change shall take place, this government will cheerfully enter into negotiations, with a view to ascertain whether a just, fair and equal reciprocity in trade can be established between the United States and Canada. Of course, in this matter I am not to be understood as assuming to speak for the Senate or for Congress.

You will see that in this proceeding I anticipated an important suggestion of Earl Russell, communicated in your despatch now before me, which suggestion is accepted as having been made in the interest of peace and friendship. Perhaps it is not improper to add, that in no case does this government contemplate war against Great Britain, whether for Canada, or any other object. So far are we from seeking either an occasion or a cause, or a theatre of war with Great Britain, we are earnestly desiring peace, friendship, and communion with that great nation. But, on the other hand, I repeat, and must continue to insist, that the United States cannot consent to endure indefinitely the injuries resulting, directly and indirectly, from the present policy of Great Britain in regard to the existing insurrection. They cannot consent to remain derogated as a naval power to a level with a local slavery-upholding rebellion, destitute of ports,

courts, and ships-of-war. Nevertheless, our policy is directed to the redress of this wrong by lawful and by peaceful means; and it will be persisted in, in the same manner, until other powers shall concede to the United States the position they held, with the free consent of all nations, before the insurrection began.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London*.

Mr. Seward to Mr. Adams.

No. 1297.] DEPARTMENT OF STATE,
Washington, March 13, 1865.

SIR: Your despatch of the 17th of February, No. 880, has been received.

Upon a review of the reasons you assigned, we are content with your delay of presenting a representation in regard to the Shenandoah, in compliance with my instructions, No. 1250. We feel obliged, also, to rest with some patience while awaiting the development of the proceeding instituted by Earl Russell, in his letter to John Slidell and the other rebel emissaries. Nevertheless, the account which Consul Morse gives us by every mail of reckless activity of rebel agents in Liverpool and Europe, taken together with the incident of the attempt made from Liverpool to supply and re-enforce the Stoerkodder, *alias* Olinde, *alias* Stonewall, at Ferrol, and the entire passiveness of Sir John F. Crampton at Madrid, in the latter case, seem to render it indispensable that we leave her Majesty's government no reason to suppose that we acquiesce in what is virtually an illegal naval war, waged against us from the British shores. I think, therefore, that the representation in the case of the Shenandoah ought not to be longer postponed. But you may make it in a manner as friendly as shall be compatible with a just sense of the injuries which we are suffering from the policy of her Majesty's government.

You inform me that the delusion prevails in European circles that the rebel debts will be paid as a condition of peace. To correct that delusion you may safely say that, in my belief, the principal of the debt of Great Britain will be liquidated and discharged before a single dollar, even of interest, of the rebel debt will be discharged by anybody. This nation might perish, but it could not, under the present administration, incur the dishonor of begging a peace from insurgents.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1298.] DEPARTMENT OF STATE,
Washington, March 13, 1865.

SIR: We have direct reports from Major General Sheridan so late as the 10th. He has now been two weeks on his march. I had not, in my last circular, given the rumors brought by deserters, but they have since received such confirmation as to warrant us in accepting their statement that he routed Early's forces at or near Waynesboro', between Staunton and Charlottesville, and captured 8 guns, with 1,300 prisoners. More recent and reliable news is, that he has effectually destroyed the James river canal between Lynchburg and Richmond, and many bridges, with much of the track of the Orange and Alexandria railroad.

The army of the Potomac presents a scene of constant and watchful preparation. Suffolk, in Virginia, has been reoccupied. The insurgent newspapers contain a report from Bragg that he had repulsed General Foster at Kingstown, near half way between Goldsboro' and Newbern, in North Carolina, and captured three guns, with fifteen hundred prisoners. Assuming the truth of this claim, it does not now seem to seriously threaten the operations of Major General Sherman. If the suspense in which we are held in regard to him begins to be painful, it is well to remember that the time he appointed for coming to the destination whence we should be able to hear directly from him has not yet expired.

The Senate of the United States adjourned without a day on the eleventh instant.

The contentions at Richmond seem to border upon distraction. It is understood that the insurrectionary cabal has at last, under Virginia's dictation, passed a bill for arming slaves—not more in numbers than one-quarter of the negro males between the ages of 18 and 45—leaving to the States the question whether the negroes to be thus brought into the field shall be emancipated.

I give you a curious exposition of the political situation at Richmond, which is regarded here as remarkably accurate, because its statements generally agree with the information we have derived from other sources. The exposition is contained in a paper which I have received from a person who is believed to have had personal interests and a good opportunity for learning the prospects of the insurrection.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Entire military strength of the confederacy, from official records in the War Department.

FEBRUARY 4, 1865.

Entire available force	152,000
Distributed as follows:	
Under Lee in Virginia	64,000
Command of Bragg and Hoke, North Carolina	9,000
Command of Beauregard and Hardee, South Carolina	22,000
This last embraces the late army of Hood, and the forces which evacuated Savannah. It is now at Branchville and Florence, South Carolina.	
Command of Dick Taylor, D. H. Hill and Howell Cobb, Georgia, Alabama and Mississippi	7,000
Entire force west of the Mississippi, under Kirby Smith, Magruder and Price	50,000
Total	152,000
Hood went into Tennessee with	47,000
He brought out with him but	17,500
Showing a net loss of	29,500
There are now in West Virginia and East Tennessee but	4,500
This force will be moved to Lynchburg after March 1.	

General Lee before Senate committee, January 24, 1865.

By Senator HUNTER:

What do you think of evacuating Virginia, and going to North Carolina?

It would be a bad movement, in my opinion; the Virginia troops would go home.

Do you think we have troops sufficient for the next campaign?

I do not; we cannot last till midsummer.

What do you think of the policy of arming 200,000 negroes?

If we intend to carry on the war that is the least of evils—but in such an event, it should be understood that those slaves have their liberty.

Do you think we could succeed by putting the negroes in the field?

That would depend on circumstances. We could at least carry on the war for another year.

By Senator HILL:

What is the sentiment of the army in relation to peace?

It is almost unanimous for peace. The men will fight longer if necessary, but they believe that we cannot continue the war through another campaign.

By Senator GRAHAM:

What is your individual opinion upon the subject of peace?

I think the best policy to pursue is to make peace upon the plan proposed by Mr. Stephens. The people and the country ought to be saved further sacrifices.

By Senator WALKER:

Provided peace be not made before spring, will you consent to take command of all the armies of the confederacy, to act with unlimited powers?

I will take any position the country assigns to me, and do the best I can. But I do not think that I can save the cause now—*that* no human power can save. Had I this offer made me one year ago I think I could have made our condition better than it is now.

By Senator ORR:

You think, then, general, that the best solution of our difficulties is to make peace on the Stephens plan?

Yes; that is the best policy now. I think the army and the people ought to be saved, if all else is lost.

From records in the adjutant and inspector general's office from the 1st of October, 1864, up to the 4th of February, 1865, 72,000 men had deserted from the confederate armies east of the Mississippi.

Nearly all the Missourians deserted from the army of Price during his recent invasion of Missouri, and he lost during the campaign 19,500 men.

A distinguished confederate officer just from Georgia (February 6) says that the remnant of Hood's army is nothing more than a demoralized mob. He saw the men pass through Montgomery, on their way to Branchville, South Carolina.

The following list comprises the names of senators, members of congress, and leading public men throughout the south who favor a reconstruction of the government on the basis of the Union:

Virginia.—Allen T. Carpenter, senator; Thomas S. Gholson, M. C.; William C. Rives, M. C.; D. O. da Jarnette, M. C.; John B. Baldwin, M. C.; Fayette McMullen, M. C.; Samuel Miller; ex-Governor H. A. Wise; Hon. John M. Botts; Hon. William J. Goggin.

North Carolina.—William A. Graham, senator; William B. Dutch, senator; Robert R. Bridges, M. C.; J. T. Leach, M. C.; James M. Leach, M. C.; T. C. Fuller, M. C.; James Turner, M. C.; John A. Gilmer, M. C.; J. G. Rumsey, M. C.; B. S. Ganther, M. C.; Governor Vance; Hon. W. W. Holden.

South Carolina.—James S. Orr, senator; W. W. Boice, M. C.

Georgia.—Herschell V. Johnson, senator; Benjamin H. Hill, senator; M. H. Blandford, M. C.; Clifford Anderson, M. C.; J. T. Shenmaker, M. C.; James M. Smith, M. C.; George N. Lester, M. C.; H. P. Bell, M. C.; Warren Akin, M. C.; Governor Brown; Hon. J. I. Whitaker; Hon. Joshua Hill; Judge Linten Stephens; Judge A. E. Wright; Hon. V. A. Gaskell; Judge Ezzard; Hon. H. B. Waugh; Hon. Lewis Tamlin.

Alabama.—R. W. Walker, senator; Robert Jameson, senator; Thomas J. Foster, M. C.; W. R. Smith, M. C.; David Clopton, M. C.; George Watts; Hon. John Clemens; Hon. — Fitzpatrick, former United States senator; Hon. Mr. Parsons, at present a member of the legislature.

Mississippi.—J. W. C. Watson, senator: J. A. Orr, M. C.; O. R. Snighton, M. C.; W. D. Holden, M. C.; ex-Governor Matthews.

Ex-Senator C. C. Clay has returned from his mission to England. His mission was a failure, England would have nothing to do with the Confederate States.

On Monday, the 6th February, after the peace commissioners had returned from Fortress Monroe, Senator Johnson, of Georgia, waited on the President, and, in substance, the following conversation took place:

Well, President Davis, so your peace mission has failed?

Yes, I knew it would; I now hope the reconstructionists will fight Lincoln instead of fighting me.

Mr. Lincoln, it seems, was not opposed to making peace with the States; but he was not in favor of recognizing the confederate government as an independent power.

I see, President, that you have withdrawn all the troops from Georgia into Carolina and Virginia; what will the people of Georgia do for protection in the next campaign?

The people of Georgia have followed the counsels of Governor Brown and Mr. Stephens; they must now protect themselves.

Well, President, if you can do without the people of Georgia the people of Georgia can do without you.

On the return of Mr. Stephens from Fortress Monroe, he said to his friends that he was not disappointed with the failure of his mission. He knew it would fail before he started. He was now satisfied that the government of Mr. Lincoln would not make peace with Mr. Davis on any terms whatever. But he was more sanguine that peace was within the reach of the country *now* than he ever was before. He was quite certain that we would have peace, *and an honorable peace before the 1st of May*, 1865. This much-desired result he said was now in the hands of the people, and if the people desired peace, Mr. Davis, nor no other man, or set of men, *could prevent it.*

The substance of what Mr. Lincoln said was, that he could not treat with Mr. Davis while in rebellion. That the so-called government of the Confederate States would not be acknowledged by him. That he could not treat with the States while they acknowledged allegiance to, and formed a part of, that government. But that he was willing to treat with the States separately, or with any number of them on the basis of the Union and the Constitution. If peace be restored, he would do all in his power to remit those pains and penalties which individuals had subjected themselves to by being found in open rebellion against the government. That under no consideration would he recognize the independence of the so-called Confederate States, nor would he treat with them as a separate power, nor would he enter into any truce or armistice with Mr. Davis, as President of these States.

Davis's instructions to the commissioners were as follows:

1. That all negotiations shall be conducted as between two independent nationalities; n
2. That pending these negotiations an armistice shall be proclaimed of ninety days.

These instructions were represented to Mr. Lincoln by the commissioners, but not entertained.

Mr. S. thinks that Mr. Lincoln will, in his inaugural address on the 4th of March, proclaim a plan which will be generally accepted by the States as a basis of settlement. He looks upon any further efforts of the confederate government, with a view to negotiating for peace, or to carry on the war, as futile, unjust to the people and the States. In a word, he considers the functions of the confederate government at an end.

MR. STEPHENS'S PLAN FOR PEACE.

1. Let President Lincoln issue an address to the army and people of the *south*, embodying in said address the facts contained in a former communication, and also what passed at the interview with commissioners.
2. Agree to appoint commissioners on the part of the United States to meet State commissioners on the part of such States as desire to send them, such commissioners to meet at Nashville, Louisville or Cincinnati, in April or May, to consult for the purpose of a peace on the basis of such States returning to the Union, with no other condition than returning to the government under the Constitution and laws of the country.
3. An election by such States as send commissioners to such convention of senators and representatives to the Congress of the United States, entitling them to a perfect equality in the government of each and all the States.

This plan, Mr. S. thinks, would meet the approval of North Carolina, Georgia, Florida, Alabama, Mississippi, and perhaps of South Carolina and Virginia. He is quite certain that it would find favor with not less than six States.

Mr. Seward to Mr. Adams.

No. 1300.] DEPARTMENT OF STATE,
Washington, March 13, 1865.

SIR: An impression is understood to prevail in Europe, especially among the holders of the insurgent loan for which cotton was pledged as security, that, in the event of the restoration of peace in this country, this government will assume the public debts of the insurgents, or certainly the particular debt referred to. It is believed, however, that no impression could be more erroneous. There is no likelihood that any part of that debt will be assumed or recognized by the

United States government. It is advisable, therefore, that, by any proper means at your command, you should authoritatively undeceive the public in England on this point.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1301.] DEPARTMENT OF STATE,
Washington, March 13, 1865.

SIR: I give you for your information, and for such use as you may think proper, a copy of a communication of the 2d of January last, which Mr. ——, of London, has addressed to this department in regard to the Rappahannock, her origin, and to the proceedings of Rumble in connexion with that vessel.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c, &c.

Mr. —— to Mr. Seward.

LONDON, *January* 2, 1865.

SIR: As every right-minded, intelligent person in this country sympathizes with the northerners in their efforts to crush the rebellion which now rages in America, I shall make no apology for addressing you on the subject, but at once assume that the expression of our sympathy, though it be the mere ipse dixit of one single Englishman, will find a warm-hearted reception.

Sir, those of us who are worthy of attention on the part of our American brethren have considered the origin of this war with a feeling and unprejudiced mind. We do not forget, in our estimate of the causes of the horrors and the tendency of the deplorable struggle which is now going on in America, those inspired yet tragic narratives which have emanated from the pen of a Stowe and the tongue of a Beecher, those thrilling and soul-rousing prose dramas which, having for their theme the violated laws of God in the cause of the poor slave, have caused our blood to boil, and have established in us a loathing and aversion towards the rascally southerners which no subordinate after-considerations, no policy based on expediency, nor temporary commercial distress, can cause to vacillate or subside. No, sir; I repeat, that every thinking Englishman whose sentiments and opinions are worth a moment's consideration is, heart and soul of him, a well-wisher to the north; and though he would gladly see the struggle terminated, and the fair fields of America smiling with the results of peaceful industry, he does not and cannot wish for so desirable a consummation on other than principles of Divine justice, and on the ground of liberty to the poor slave; and for this cause we have hailed with heartfelt joy the President's proclamation annulling slavery throughout the United States. That was a righteous and glorious act, no less so than the Declaration of Independence, and worthy to be held in honored remembrance. And though philosophers of a cold-blooded and time-serving school on this side of the Atlantic see in it nothing beyond the aggressive and retaliatory, and deprecate it as an unwise provocative of the south, the brave spirits who flung this firebrand into the camp of the rebels will never have cause to blush for this act of their policy. All honor to it! Freedom to

the slave in the United States of America! Shame to the wretch, whether on this or the other side of the water, who will not rejoice at it.

In connexion with my subject, I will now advert to what may seem to our transatlantic brethren a scurvy and treacherous course of conduct on the part of Englishmen. I refer to the Alabama and the steam-rams and the Rappahannocks which have been fitted out on these shores with hostile intentions towards the north; and here I cannot but feel the most profound indignation towards those scabby sheep among us who disgrace the name of Englishmen by originating these things; for, if these privateering vessels be regarded by the north as an exponent of the feelings of the British people generally towards them, a profound mistake must exist as to the actual facts. Those vessels, sir, are prepared and smuggled out of this country just as contraband articles are exported by "wretches (as Dr. Johnson terms them) who do not pay the customs." Their preparation is confined to a few, and although in some instances they are wealthy, I can speak from personal knowledge that they are of the worst class and among the most base in this country; and these speculatists have taken advantage of the state of the times to enrich themselves by methods which, as an honest man, I am sure that my countrymen would almost universally condemn. Let not America, therefore, associate the name of England with these things. Englishmen abhor such detestable treachery. Englishmen do not like pirates nor piracy. Englishmen have no notion that buccaneering is a legitimate occupation because brother Jonathan has his hands full of intestine trouble. But there are scoundrels here as well as elsewhere; there are cut-throats and bravos in England who will find means to carry out their omni-murderous and incendiary schemes in spite of the laws, and against the government of a sovereign whose expressions of regret for America no good man will doubt. These infernal blackguards are the originators of the Rappahannocks, &c., which were fabricated on our shores, and which are calculated to create so false an idea in the American mind as to the nature of English brotherhood.

In order to make good these assertions I will now give (so far as my personal knowledge and information extend) a true relation of the origin of the Rappahannock, and supply some highly important particulars which do not appear in the published accounts of this case. We are informed in the evidence recorded in the newspapers that Robert Gordon Coleman is the owner; that one Mr. Fergusson was chief engineer, and one Mr. Carr was second engineer; that Fergusson, Carr, Pearson, the partner of Coleman, (and a bankrupt to the amount of some £600,000 during the past summer,) and the defendant, Rumble, were all concerned together in the common cause of enlisting engineers and stokers to serve on board; that Fergusson and Carr were evidently empowered by Pearson (whom the witnesses style "one of the owners") to hire men, and that they did so with as much authority as Pearson himself; that Rumble had told Firth (one of the witnesses) that "He should like to go his halves," meaning that he, Rumble, would like to receive half of Firth's share of the piracy which they intended to carry out in the Rappahannock; that Pearson was captain on leaving Sheerness, and that a government tug took them out from Sheerness.

Now, all this and much more, important as it undoubtedly is, is but half the tale; for neither Pearson nor Rumble had either the audacity or brains to concoct this mischievous piece of business; and, considering the notoriety in the naval service of the other half of the facts, it is somewhat astounding that nothing should have been elicited respecting them. For example, Fergusson and Carr, the engineers, though prime actors in the case, do not appear in court either as defendants or witnesses, and they most assuredly ought to have appeared in one of these capacities; for neither of them was engineer of the boat before she was bought by Coleman, Pearson & Co.; they became her engineers solely by the instigation of one Mr. David Partridge, an admiralty officer, who is at the bottom of the whole job, (thinking the American state of affairs was an

excellent one for enriching himself,) and who persuaded Pearson to buy the boat. He it was that sent Fergusson and Carr to Rumble and made a cat's-paw of the latter by causing him to appear in all the salient points of the case, while he himself acted as the powerful but cautious motor of it. To him, as I said, not only these men, but W. Aylmer, another engineer, (together with several other men whose names do not appear in the evidence,) owe their connexion with the scheme. In short, he is the father of it; yet Partridge, Fergusson, Carr, nor Aylmer, though the first three are principals, appear on the trial, and this is a very serious and astonishing matter: it is serious, for, as I have before said, all true Englishman must wish to repudiate all sympathy with this vile affair, and that will not appear to brother Jonathan while a British court of justice ignores these facts. What more natural than to suppose that these men would have been brought forward on the trial? They are, as I have said, notorious participators, nay, principals, in the affair; yet, although the case is put off on the mere mention of the circumstance that Rumble's son was present at a conversation between Rumble and one of the witnesses at Sheerness, similar facts of far greater importance, detailed in evidence respecting Fergusson and Carr, are passed over as of no import. Had these men been cited and cross-examined, the most vital facts of the case would have been elicited. Fergusson formerly kept a public house (the Royal Albert) in the town of Woolwich, in the county of Kent, and Carr works in a government dock-yard there. Rumble's son is as perfectly aware that the said Partridge egged on the elder Rumble as the latter himself is; and were he questioned by the lawyers of the Crown, could fully bear out this statement. He is also aware of all the facts as to the hiring of Fergusson, Carr, Aylmer, and others; and these prime facts not only could be brought out, but ought to be, for the love of common justice as well as justice to our American brethren.

It is astonishing that Mr. O'Kelly, who gave the information respecting these doings at Sheerness, should have contented himself with the meagre piece of information which he has brought to bear on the case. He appears to have taken a too hasty survey of these doings, and finding them so gross, collected those which appeared on the surface, and laid the information; whereas had he made a more patient observation he would have been richly rewarded with a multitude of correlative facts (and the above among them) by which the ringleader, and all concerned as principals in this affair, would have been put on their defence; whereas, as it is, Rumble, "the mildest-mannered man" among them, is the only defendant. Now, the said Partridge, the ringleader, was frequently at Sheerness taking the lead (but cautiously) in the proceedings, and on the occasion of the Rappahannock being towed out of Sheerness by a government tug, he was in the Rappahannock directing the proceedings, (for as to Pearson acting as captain, that was done merely as a blind, Pearson being manifestly unfit for the office.) This Mr. Partridge, as I have said, directed the proceedings between Sheerness and the Nore, where finding something which aroused his suspicions that all was not quite so safe in a legal point of view as he wished it to be, he slunk into a tug and came back, leaving the others to do the best they could. I say it is very remarkable that these and many more similar facts have escaped the knowledge of Mr. O'Kelly, considering their notoriety, and it is a matter of much regret that such is the case; for, if a full exposé were made on this occasion, and the principal offenders brought to justice, it would operate as a check on others, and prevent a repetition of such offences, which is one result that the writer aims at, and to show that these doings have no general character on the part of Englishmen, but are entirely instances of *hole* and *corner work* by cliques of dirty rogues.

I am, sir, your obedient servant,

———— ————.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1302.] DEPARTMENT OF STATE,
Washington, March 13, 1865.

SIR: I have before me several despatches from Mr. Bigelow, our minister at Paris, relating to the affair of the pirate Stonewall, *alias* Olinde, *alias* Stoerkodder, namely:

No. 13, of the 30th of January, 1865; No. 14, of the 31st of January, 1865; No. 16, of the 3d of February, 1865; No. 17, of the 3d of February, 1865; No. 19, of the 6th of February, 1865; No. 23, of the 9th of February, 1865; No. 26, of the 10th of February, 1865; No. 28, of the 10th of February, 1865; No. 31, of the 14th of February, 1865; No. 34, of the 16th of February, 1865; No. 37, of the 21st of February, 1865.

I have also before me despatches concerning the same subject from Horatio J. Perry, esq., our chargé d'affaires at Madrid, namely:

No. 162, of the 4th of February, 1865; confidential, of the 4th of February, 1865; No. 163, of the 7th of February, 1865; No. 164, of the 8th of February, 1865; No. 165, of the 9th of February, 1865; No. 166, of the 14th of February, 1865; No. 167, of the 15th of February, 1865; and one concerning the same subject from Rradford R. Wood, esq., our minister resident at Copenhagen, namely, No. 182, of the 6th of February, 1865.

For the sake of convenience as well as with a view to the advantage of having all the representatives of the United States concerned in the question equally well informed of the opinions of this government thereupon, I cast my reply to the several despatches before mentioned in the form a circular, which is addressed not only to the representatives before named, but also to the minister plenipotentiary of the United States at London, who will find that in this, as in all like cases, he also has a responsibility to discharge in the matter.

The before-named vessel is a steam ram. She is one of two ships of that class which were built by Arman, a shipwright at Bordeaux, and member of the Chamber of Deputies, at Paris, under a contract with and for the use of insurgents in the civil war now existing in the United States. She was for that reason denounced by us to the imperial government of France, when, upon full investigation, it was ordered that she should not leave France in the character or for the purposes for which she was built, and should leave that country only in the case of her being actually sold to a party which shall be neutral in regard to our civil war. The vessel was reported to the imperial government as having been sold to the government of Denmark, which then was and yet is a neutral power, and upon that report she was sent under a French flag, to be delivered at Copenhagen. The government of France informed this government of that proceeding, and I had the honor to express the satisfaction of the United States with that disposition of the subject.

The vessel received a partial armament while at Copenhagen. After remaining there several months, she departed from that port, as is said, with a Danish crew, and under a Danish flag, and after some delay, in which she made Swedish and Dutch ports, she came up to the island of Houat within the marine jurisdiction of France, where she received seamen, coals, and supplies from a steamer which had been sent out for that purpose from some British port, understood to be Liverpool, and thus furnished she gave up the Danish flag and crew, and exhibited herself under an insurgent flag, as a rebel ship-of-war. Houat is an obscure place, not subjected to any actual government surveillance. The attention of the imperial government to the appearance of the vessel there was invoked by Mr. Bigelow, and was promptly given. But in the mean time the Stonewall went to sea, and very soon afterwards she put in at Ferrol, in Spain, in real or pretended distress, and asked for leave to repair.

Mr. Perry remonstrated, and asked that the vessel should be detained.

While the application was pending a steamer, with an intended re-enforcement taken from the crew of the pirate Florida, recently captured at Bahia, proceeded from Liverpool to Ferrol or Corunna. The government of Spain declined to detain the vessel, and decided to allow her repairs, limited practically to the extent of rendering her capable of living at sea. That government is understood also to have refused to allow her crew to be re-enforced, or her munitions of war increased. Mr. Perry protested against the decision of the Spanish government against allowing any repairs whatever, and generally against the attribution of a lawful belligerent character to the Stonewall. In the mean time the United States steamship Niagara arrived at Corunna, and the Sacramento is reported as being on her way to that port.

The despatches before me report the communications which our representatives at Paris, Madrid, and Copenhagen respectively have made, and the rights they have attempted to establish against the several governments for interposition and activity to prevent the pirate ship from entering upon her appointed career. I have delayed to answer these despatches, in the hope that, by reason of obstacles and perils sufficiently manifest, her unlawful enterprises might possibly be abandoned, or at least might be defeated. This government has already causes of complaint against he maritime states concerned in this case, sufficiently numerous and sufficiently grave. It prefers rather to cultivate peace, harmony, and friendship with these powers than to seek new occasion for contention, and it will, therefore, esteem it a subject of felicitation if the apprehensions which the present case have excited shall not be realized; circumstances seem to favor the wishes of the government in this respect. Our latest telegraphic advices assure us that the Stonewall is absolutely unseaworthy; that for that and other reasons the criminals who have her in their possession are seeking to rid themselves of her.

I confine myself in these circumstances to a few positions without argument:

First. I approve of all the representations and proceedings reported in the several despatches before me, and especially those of Mr. Perry, including his protest of the date of February 9.

Secondly. I desire that each of the several ministers to whom this despatch shall come, while making the above approval known, shall at the same time assure the government to which he is accredited that the United States are satisfied that the government with which he is thus in communication has acted in regard to the Stonewall in good faith, and in a spirit of friendship towards the United States; and that whatever has occurred in connexion with the Stonewall to compromise any foreign state has been effected through overreaching intrigues of bad and desperate men, who have employed treachery and fraud to defeat the vigilance and evade the laws of the governments concerned.

Thirdly. I am directed by the President on this occasion not to pursue further the question of ultimate accountability on the part of any foreign state for what has been done or has happened, or whatever may yet happen in connexion with the Stonewall, *alias* the Olinde, *alias* the Stoerkodder. But I beg leave earnestly to appeal to the several governments to avail themselves of the present incident to reflect that the trouble now experienced has grown out of their attribution of belligerent naval rights to the rebels of the United States, in departure from all safe precedents. I appeal to them also to consider whether it is right, just, or expedient to pursue any further their past policy in regard to the insurgents, in disregard of the protest of the United States, now once more firmly and earnestly renewed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

[*Same, mutatis mutandis*, to Messrs. Bigelow, Perry, and Wood.]

Mr. Adams to Mr. Seward

No. 892. LEGATION OF THE UNITED STATES,
London, March 14, 1865.

SIR: I seize the opportunity afforded to me by the despatch agent, who is making up a bag for to-morrow's steamer, to send you a copy of the *Times*, of this morning, containing a full report of the great debate in the House of Commons last night on the relations with America.

I think both countries have some occasion for congratulation in the fact, that at last British statesmen begin to open their eyes to the perception of the magnitude of the questions which have been involved in the present contest, and of the importance of recognizing the validity of the policy adopted by our government. This is the best guarantee yet given of the preservation of friendly relations. The tone of this debate, as well as the unequivocal manner in which it was sustained by the sentiment of the assembly, cannot fail to produce a great effect all over Europe as well as in America. I congratulate the President as well as yourself, as being his chief adviser in his foreign policy, upon the testimony incidentally, but not the less decidedly, borne to the firm and dignified manner in which that policy has thus far been directed.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of March 14, 1865.]

HOUSE OF COMMONS, *Monday, March* 13.

THE DEFENCES OF CANADA.

Mr. S. FITZGERALD said he was not unaware that the course he was about to take in bringing before the House the important question of the defences of Canada was one that might be misapprehended and misrepresented. There were those in this house, and there were some out of doors, who thought that such a discussion might possibly in certain events tend rather to precipitate than to avoid any danger, and to induce rather than retard hostilities between this country and the United States. They might say that by constantly discussing the possibility of hostilities between the two countries the people in both might come to consider such hostilities first as possible, then by degrees as probable, and at last as natural and almost inevitable. Upon this ground, therefore, they might deprecate discussion, and might choose to shut their eyes to existing facts rather than by discussion and argument to put the public in full possession of the present state of affairs. Now, he was not of that opinion. He believed that the truest policy in such a case was that this house and the country should be fully acquainted with the facts. Moreover, if any remonstrance were to be addressed to any body for provoking discussion, it should be addressed to her Majesty's government, who had laid before Parliament a paper not only contemplating the possibility and the probability of hostilities, but considering the possible course which these hostilities would take, pointing out what probably—or, as they seemed to think, inevitably—would be the result of these hostilities—namely, the defeat and the disgrace of the British arms. By publishing that paper her Majesty's government has done as much as in them lay to discourage the friends and to encourage the adversaries of this country. There were some, he knew, by whom either the effect or the object of this motion might be misrepresented. There were those in this house, or out of it, who, from a persistent partiality for the policy of the federal States of America, and from a conscientious sympathy for the objects of that policy, would be likely to attribute to him a desire rather to increase than allay irritation on the part of this country against the federal government, so as rather to increase than to diminish the probability of hostilities between the two countries. If such an imputation were made, nothing could be more unjust or unfounded. He believed that there was no man in that house who would vindicate the utterance of a single word which could by possibility increase the irritation between the two countries. He was one of those who differed widely from the honorable member for Radnorshire, who seemed to consider, when he spoke on a former occasion, that the step taken by the American government in reference to the termination of the convention limiting the naval forces of the two countries on the lakes, and in reference to the reci

procity treaty, was conceived in a spirit of hostility towards this country. It appeared to him that in regard to the termination of the convention limiting the naval forces on the lakes, the American government was justified in that course of proceeding. What were the circumstances under which the notice of termination was given? An American vessel was seized by a party of sympathizers from Canada in American waters, and it was only by accident that a second vessel was not also seized, and then that which was the avowed object of their enterprise might have been carried out—the liberation of a large number of prisoners confined on Johnson's island, amounting, he believed, to 2,000 After such an attack on federal property in federal waters, he thought that the United States were justified in having recourse to an increase of force for police purposes on the lakes. That measure was proposed, in the first instance, by the federal government as a temporary increase during the war, and was so intimated to the government of this country, but afterwards notice was given for the permanent and total termination of the convention. As regarded this point, he thought her Majesty's government greatly to blame. He thought that the moment those events took place, and when the federal government intimated their intention to adopt some measure of a temporary character, the English government ought at once to have met then in a conciliatory manner and said, "The object you have in view is as important to us as to you, and we are ready to enter into an arrangement to have a temporary increase of forces on both sides for the naval police of the lakes." If such a course had been pursued, it was his conviction that the English government never would have received from America what might be productive of some complication and embarrassment—the regular notice permanently and completely to terminate the convention. Again, in respect to the reciprocity treaty. The notice to terminate that was given in a moment of irritation, and in consequence of the events in Canada; but he thought that the course which her Majesty's government ought to have pursued was to say, "Do not precipitately and entirely put an end to that treaty, which has removed from the arena so many causes of difference and quarrel, but point out where it may be amended, and we are willing to meet you and to modify the treaty." If that had been done he believed that the reciprocity treaty would not have been terminated, and that a number of questions with respect to the fisheries, which had before brought the two countries almost to a state of war, would never have been reopened again. [Hear, hear.] He wished it, therefore, to be understood that in the observations he was about to make he did not desire to attribute to the American government anything like a feeling of hostility towards this country. On the contrary, during the last two months the communications which had passed between the United States and her Majesty's government had been, generally speaking, marked by a far greater spirit of consideration, temperance, and conciliation than previously. He was happy to acknowledge that this result was in a great measure owing to the wise, discreet, and prudent conduct which had marked the course of the American representative in this country, who had done more than any other man in maintaining peace between the two countries, and who had thereby conferred equal obligations on his own country and on the people of this. [Hear, hear.] He would not attribute to the American people, generally, a desire to go to war with this country. On the contrary, he believed that the great bulk of the educated and intelligent classes in America, who, though they might not take a decided part in public affairs, yet had a great influence in their country, would deprecate as much as any one on this side of the Atlantic anything like hostilities between this country and the United States. At the same time it appeared to him to be worse than folly to shut the eyes to what what might possibly happen. It was impossible to say what might have been the result of a chance accident in the course of the last year or year and a half. What must have happened if the ill-tempered and hasty declaration of General Dix, which was at once and most honorably disavowed by the American government, had been acted on? Supposing the Canadian frontier had been invaded by American troops, that blood had been shed and life lost, who could say for one moment what would have been the result? Supposing, again, that the two vessels in American waters had been captured, and some 1,800 or 2,000 confederate prisoners set free, would not such an event have agitated the people from one end of the United States to the other? He would point out another reason for taking this matter fairly into consideration. It was not long since they all read in one of Mr. Seward's despatches an account of what passed in an interview between the federal and confederate authorities, and Mr. Seward stated:

"What the insurgent party seemed chiefly to favor was a postponement of the question of separation, upon which the war is waged, and a mutual direction of the efforts of the government, as well as those of the insurgents, to some extrinsic policy or scheme for a season, during which passions might be expected to subside, and the armies be reduced, and trade and intercourse between the people of both sections be resumed. It was suggested by them that through such postponement we might now have immediate peace, with some not very certain prospect of an ultimate satisfactory adjustment of political relations between the government and the States, section or people, now engaged in conflict with it."

This proposition certainly was not accepted; but he would point out that when it was communicated to Congress it was unaccompanied by a single word expressing disapprobation or repudiation of it, or denouncing it as a faithless and treacherous proposal against a friendly power. He was aware that the confederate government had represented to the French government, and, no doubt, to her Majesty's government also, that the proposition

did not come first from them. It did not matter one farthing from whom it first came, but he wished to point out this, that though the proposition was not accepted or entertained, yet it was not the first time that two conflicting powers had thought that the best thing to do in order to keep down and soften the feeling of animosity between their own people was to turn upon and join in acts of violence against a weak and defenceless neighbor. [Hear, hear.] It was only last year that they had the spectacle of two great military powers, having each objects of their own to gain, and thinking to establish concord between themselves exactly by that process, turning upon a third and defenceless power, and committing acts of violence and spoliation against it which would ever redound to their shame. [Hear, hear.] What, therefore, he wished to point out was that, although he did not believe for one moment that a proposal of that kind would be accepted by the federal government, yet, at the same time, they had not repudiated it, and it was possible that there might be circumstances of such emergency that such a proposal might be entertained, when the consequences to us might become serious. But what was still more important was the possible disposition of the American people, supposing the federal government to succeed in their conflict with the Confederate States. He would give the American government the fullest credit for desiring to maintain peace; and he would give the intelligent and educated class of the American people credit for doing everything in their power for the same object. He would also give every weight to the consideration that it might be of the greatest possible importance to the federal States to have time to recover their strength and repair the losses they had sustained in their gigantic struggle. But, at the same time, it must be remembered that the Americans were a proud, a high-spirited, and a boastful race; they might be intoxicated with their success, and then in what position would they stand? They would see that they had had it impressed upon them by their own government, and not altogether without reason, that they had causes of complaint against this country [hear, hear]—that they had had their commerce swept off the seas—that they had been told by their own government that the vital strength of the rebellion, as they termed it, had arisen from England having set the example of a precipitate acknowledgment of belligerent rights. Exulting in their triumph they would also have before them the paper, which had been produced by the government of England, telling them that they had a ready and easy prey at their very feet. And were we to think that they would not stretch forth their hands and seize the prize, unless effectual steps had been taken beforehand to protect it? Therefore, while giving every credit to the government and people of the United States, he said it would be the greatest folly of which the House and the country could be capable to shut their eyes to the possibility of hostilities occurring, under certain circumstances, between the two powers. That being so, the point they had to look at was very simply and shortly set before them in the report of Colonel Jervois, which had been laid on the table by her Majesty's government. Almost the last paragraph in that report was this:

"The question appears to be this—whether the British force now in Canada should be withdrawn in order to avoid the risk of its defeat, or whether the necessary measures shall be taken to enable that force to be of use in defence of the colonies."

Now, that was the question which he wished to bring under the notice of the House. As to the solution of the two propositions contained in that alternative, he did not believe there were five men in the House who would hesitate. He did not believe there were the men in the House or in the country who would say that they would quietly determine to abandon the Canadas to their own defence, to lend them no assistance, to withdraw our troops for fear they should be defeated or taken prisoners of war. He did not believe there was a single man in the House or out of it who would assent to a course so disastrous and so disgraceful to the British name. [Hear, hear.] If that were so, then they came to the other branch of the alternative, viz: whether the necessary measures should be taken to enable the British force now in the province to be of use in the defence of the colony. It had been urged by members on both sides of that House that the first thing they should make the colonists understand was that they were, if not to be solely responsible for their own defence, to contribute to it in by far the greater degree. (Hear, hear.) He had supported that proposition himself, and he thought it a sound one. But he wished to point out to the House that the position of Canada was very different from that of our other colonies. He could understand that having given responsible government to New Zealand, and the settlers having engaged in contests with the Maories, it was not fair that we, who had no control over their policy, should be called upon to bear all the burden of a war which that policy had brought about. Again, it was not fair that we should be called upon to engage perpetually in Caffre wars. These were cases in which, having given responsible government to the colonists, it was for them to exert themselves in their own defence. But what was the position of Canada? His belief was, that if Canada were independent to-morrow, she would not run the slightest danger of a contest. [Hear, hear.] There were impediments, financial, industrial, and political, which would interfere with any project on the part of the American government for annexing Canada. His belief was that they would be content to see that colony, if independent, growing up side by side with them. But that was not the position of Canada. She was united to this country, and wished to remain so. They had the authority of Lord Russell, speaking in another place the other night, for saying that as long as the Canadians chose to stand by us we were bound to stand by them, and that it would be a disgrace and

dishonor for us to allow them to be oppressed by a neighboring country. More than that, it was not only that if they were independent there would be no cause of quarrel between the United States and the Canadians; but it must be remembered that the only cause of quarrel, now that they were united with us, which could occur between the United States and the Canadians, was their connexion with us. It was only because the Americans thought they could through them strike at us that they could ever have any cause of quarrel with them; and the only ground of offence which could possibly exist between the Canadians and the Americans was, that there might arise questions between the Americans and us in which it would be impossible for the Canadians to do otherwise than adhere to us. Thus, then, the cause of quarrel would not be Canadian, but ours; and the only sources of danger to the Canadians were their connexion with this country, and the belief on the part of the Americans that they could wound us through Canada. It should be remembered that there was no ground of quarrel at the present moment between Canada and the United States. The Canadians had not permitted the Alabama to escape; they had not precipitately acknowledged belligerent rights; they had done everything they could, as far as these raids were concerned, to put them down; they had met the American government half way in all the measures which had been adopted to secure the peace of the frontier; and it was only the other day that a distinguished American said to him, "I only wish that the conduct of the mother country had been half as loyal to America as that of her colony has been." [Hear.] Therefore there could be no cause of quarrel between Canada and the United States, except the fact that she was united to England. Well, then, what were the means and preparations for her defence? He thought it was perfectly clear that if the cause of dispute was an imperial one—if we were bound to stand by the Canadians while they were willing to stand by us, it would be possible for us to do otherwise than exert every means in our power to contribute towards the defence of a country brought into danger wholly by its connexion with us. What were the means of defence that had been proposed by her Majesty's government? They had had commission after commission sent out to Canada. They had a commission in 1862, of which Colonel Gordon was a member; and although its recommendations were very similar to these, they were more extensive, and contemplated an expenditure of money and construction of fortifications so vast that the government sent out another commission in 1863. Another commission also was sent out in 1864, and what had been done? Practically, nothing. He wished to point out to the House what were the propositions made by the government. The report of Colonel Jervois proceeded on this ground—that the defence of Canada must be military, by a union of a certain amount of British force with a large Canadian force, protected and supported by additional fortifications. Colonel Jervois also pointed out what was of still greater importance, viz., that the great, the real means of defence for Canada must be a defence by the Canadians themselves. What was it that was now proposed in regard to fortifications? The only fortification to be undertaken was that of Quebec, and this was to proceed at so slow and prudent a rate that only £50,000 was to be spent this year. [Hear, hear.] The first thing, therefore, he wished to know was, if they were convinced of the necessity of fortifying Quebec, why did they not do it years ago? It had been recommended as imperative and inevitable. Colonel Jervois recommended it a year ago. In the letter which had been laid on the table he referred to his report of 1864. He said "he pointed out in his report, dated February, 1864, as the result of his inspection in Canada, that the construction of certain works of fortification at Montreal and Quebec was essential to enable the British troops and local forces to resist an invasion by the Americans with any prospect of success." Then, as they acknowledged it to be their bounden duty to assist in the defence of Canada by fortifying Quebec, he asked why did they delay it, why did they not do it long ago? He was aware that to a certain extent government might find a justification for a proposal to spend only £50,000 this year on the permanent works to be erected on the right bank of the St. Lawrence. Probably £50,000 was as much as during this year could well be expended at that point. But what had been the course of the American government where they had fortifications to erect? Had they been content with spending only the sum necessary for permanent works, and so consuming a number of years in the completion of permanent fortifications? No; what they did was this—they expended a certain sum on the permanent fortifications; but, side by side with these, they raised temporary earthworks, which, during the construction of the permanent works, would be sufficient for the defence of the position, and contribute to the safety of their army. It was certainly clear that, if for permanent fortifications the sum of £50,000 was as much as they could expend during the present year at this particular point, it was their bounden duty, promptly and without a day's delay, to put Quebec in that state of defence by earthworks that would at least secure it against attack during the construction of the permanent fortifications. Then he wished to ask what they had been doing as regarded the armament of Quebec? It had, no doubt, been improved. Guns of considerable calibre, but few in number, had been placed there. But there were other guns there of a very inefficient character—guns which would be utterly useless at a hundred yards; and even these, according to an account given in a late publication, were placed on carriages so rotten that if stumbled against they would break to pieces. Was that a position in which a great imperial fortress should be kept? Government, for the last three years, had notice of the condition of that fortress, and now at last they tardily acknowledged that it was vitally important that it should be

put in a perfect state of defence. Then, with regard to the fortifications proposed for Montreal and Kingston. Those for Montreal were estimated at £450,000. He asked whether the Canadian government were to find the money, and who were to construct the works? Did they mean that the Canadian government should do it, or did they intend to do it themselves? They must remember the position of the Canadian government. They were now put to find suddenly an amount equivalent to very nearly £1,000,000 sterling, at the very time they were carrying out the confederation scheme, and when obviously they could not engage in any financial operation like the raising of a large sum of money by loan; he wanted, therefore. to know from the government what steps they were taking in order to carry out the recommendation of Colonel Jervois; whether they were prepared to carry out these recommendations on the understanding that the Canadian government agreed to repay the amount required by instalments, or whether they were going on shilly-shallying, taking neither one course nor another, but putting on the Canadian government the responsibility, and when they were found unprepared at the last moment, to throw on them the blame, because they did not find the money. What did they do in the case of Sardinia? The government opposite came down and proposed a loan of 1,000,000. That was for a foreign power, engaged in a foreign war. Were they prepared to do less for their own honor and for the security of their own brethren in Canada than they had done for Sardinia? He wanted an answer, in distinct terms, from the right honorable gentleman, the secretary for the colonies, as to the ability of the Canadian government to carry out these works, and whether the British or the Canadian government was to construct them? Another important matter connected with these defences, suggested by Colonel Jervois, had reference to the great works at Kingston; and these, again, were intimately connected with his recommendation that the defence of Canada should not be military only, but by means of a naval force on the St. Lawrence and the lakes. From the sea our most powerful sea-going vessels would have access to Quebec. From Quebec to Montreal the St. Lawrence might be effectively and successfully defended by gunboats, iron-plated and heavily armed, drawing fifteen feet or sixteen feet of water. That was clearly a portion of the defence that must be undertaken by this country, and could not be undertaken by Canada. Higher up, from Kingston to the head of the Upper Rapids, the defence must again be by gunboats. But it was obvious if they were to have an efficient naval defence of the lakes and St. Lawrence there must be some place for depots, where their steamers might coal or refit, and where their stores might be in safety. It was, therefore, proposed, for the safety of the vessels engaged in the naval defence of the lakes and the St. Lawrence, that there should be large depots at Kingston. He now wished to ask some questions with reference to Montreal: what were they doing there? Were the Canadian government to carry out the scheme proposed, or were the British government to do it, the Canadian government finding the money? Or were they prepared to assist them? More than that, he wished to know, as the fortifications proposed were of great extent and importance, formidable in their character, what was doing in the way of temporary arrangements by earthworks, in order, for the present at least, to secure the two positions on which, according to the report of Colonel Jervois, the safety of the British troops entirely depended. Again, what were they doing in reference to gunboats? As regarded vessels of small size, they had, at present, only two or three. What were they doing to prepare others? Without them they could not possibly defend the line of the St. Lawrence from Quebec to Montreal. Again, with reference to gunboats on the lakes, what were they doing with the view of placing an increased force on Lake Ontario? They remembered what the French government did in Italy. They constructed iron-plated vessels at Toulon, and carried them in sections to the Italian lakes, where they were put together, and rendered the most efficient service to the French army. The same thing was being done at present in the naval yards of America, and he wished to know whether her Majesty's government were taking any steps to place a naval force, when the present convention expired, on the Lake Ontario. They had some vessels of the kind, but not any of the most efficient character; were any steps being taken to increase that naval force? It might be said all this was premature, but he asked the House to listen for one moment to what the American government had done. They had notice of what the American feeling was in regard to this country in the affair of the Trent. The American people felt humiliated at what then occurred; and what did they do? From that very moment they had spared no expense in putting every vulnerable point in a perfect state of defence. They knew, in case of a war with this country, the points we should attack. He was told that at Portland there was a new granite work completed, mounting upwards of eighty guns, and that all the earthworks previously existing had been strengthened, in addition to the construction of other permanent works, and these fortifications were amply armed with the heaviest artillery that the United States could produce. The old forts at Boston had not only been renewed and strengthened, but the most formidable artillery that could be obtained placed in them; and at the entrance to Boston there were new batteries and earthworks thrown up in anticipation of more permanent works, and there were mounted on these and other places at the present time one hundred guns of the most formidable character. With regard to New York, a naval officer who had lately seen it, and who had also seen Cronstadt and Sebastopol, said he believed the fortifications at New York were far more formidable than at those places, and were absolutely invulnerable. He did not believe that the American people desired hostilities with this country; but they

were wise enough to know that the most economical and wise plan was at the earliest possible moment, and by degrees, to establish the most perfect system of defence that modern science could give. The noble lord at the head of the government and his friends had been spending fabulous sums upon the fortifications of England, but in case of a war with America our vulnerable point would be the frontier of Canada. The government had been warned of the danger three years ago, and yet they had taken no steps whatever to avert it. Even the works which they now possessed were not armed with such weapons as the United States possessed, but with the most inefficient antiquated pieces of artillery, utterly insufficient for the purpose of defence. [Hear, hear.] What had the government done with reference to gunnery? While the United States government was busy at New York, the English government was content to take the chance of the chapter of accidents. He hoped there would be no cause for quarrelling with the American people; but if war should not arise it would not be from any feeling on the part of the Americans that the English had put themselves in a state of effective defence, but it would be from their forbearance in not taking up arms at the moment any particular question arose which could excuse or justify them in declaring war. He had received another letter, stating some facts of which he had every reason to believe her Majesty's government had been made aware. He read an extract of a letter, dated New York, February 20, 1865, stating that he might not, perhaps, be aware that the federal government were now actively, but quietly, preparing for a conflict with Canada, and to which all were now looking forward with some apprehension. He (Mr. S. Fitzgerald) did not agree in the slightest with the views of the writer. He did not believe the steps the federal government were now taking were in any degree in a spirit of hostility to this country, but they were perfectly justified in taking those steps in their own defence. The letter stated, also, as a fact that was not generally known, that a portion of a fleet of gunboats for the Canadian lakes was actually in the course of construction in London, and that an American firm who had settled in London had received the order from the federal government. These gunboats, which were to be forty in number, were to measure forty-five feet in length and fifteen feet in depth, and were to be constructed on the diagonal principle, and to have great strength and speed. They were to carry one large gun, and it was unnecessary to point out how mischievous they would be in shallow water. Five of these powerful "wasps," as they were called, had already arrived out there, having been shipped in segments on board large packets from one of the docks in London, and were afterwards easily transported on trucks up the country, where they would lie till wanted for active use. He (Mr. S. Fitzgerald) believed that the attention of her Majesty's government had been drawn to this. He was perfectly aware that, under the existing state of the law, they could not interfere, but he wanted to know—not why they did not interfere, but what they were doing under the circumstances, and whether they were not preparing in the dock-yards of this country something which might compete with these boats on the lakes. Colonel Jervois said the only resource left to the British troops, if no fortifications were to be provided, would be to retire to their ships as quickly as possible, in order to avoid being taken prisoners of war. He had spoken thus long upon the subject from an earnest conviction that it was one of vital, pressing, and paramount importance. [Hear, hear.] During the last few years war might at any moment have broken out between this country and the United States, arising either from a raid on Canada, set on foot perhaps by confederate sympathizers, or through the rashness of some injudicious commander; and if war should at any time commence, who could say where it would end? They had in Canada the Guards, the flower of the army, troops who had not only the *prestige* of being specially attached to the person of the sovereign, but among their numbers were scions who had won still nobler fame in the fields of battle; and what would have been the position of these regiments if war had unexpectedly broken out? They would have scorned to have fled to their ships and left Canada to be taken and ruined, and there was nothing left for them but hopeless and certain destruction. No one could say for certain that hostilities would not break out between this country and the United States, but they could say for certain, that if this country did not act promptly and vigorously our best blood might be sacrificed and the honor of the arms of England tarnished. He hoped he had said enough to induce the House and the country to press upon the government the necessity of altering the system which they had adopted for the last two or three years. They were bound at once to put in force the whole means at their command to make Canada what it ought to be—capable of defence. He hoped that the American people, when intoxicated with success, would not make war with this country; but if Canada was put in a proper state of defence this would strengthen the friends of peace both here and in Canada, and remove a great source of temptation from those who would be disposed to make war. If, unfortunately, hostilities should break out between the two countries, he should have the satisfaction of knowing that he had done his duty in pressing upon the government and that House the adoption of those measures which should remove the danger to our arms. [Hear, hear.]

Mr. W. E. FORSTER did not rise to deprecate a discussion of the question which the honorable gentleman, the member for Horsham, had brought forward, and still less did he object to the tone in which those questions had been submitted to the House. His reason for rising was to express an earnest desire that when a reply to the honorable member should be given from the treasury bench, that reply should be most full, most frank, and meeting all questions that had been raised [hear, hear]—not merely questions relating to any duty that

we might owe to Canada, or Canada to us, but questions affecting the relations between the United States and Canada, and between the United States and ourselves. The honorable member had started two or three distinct questions. One was, how Canada could best be defended against a possible attack on her borders; but, upon that, being an engineering question, he should not trouble the House. He would only observe that if the honorable gentleman wished this country to place the whole length of the border of Canada in a state of perfect defence, he was suggesting one of the most costly undertakings ever thought of, and the honorable member would go down to posterity as an extravagant imitator of the fortification scheme which had immortalized the noble lord. ["Hear," and laughter.] Then there was a question raised as to the respective shares of expense to be borne by this country and by Canada for defending the latter. Into that question he was not disposed to enter, because the principle was becoming every day more established that the relations between this country and the colonies of British North America were very much on the basis of an offensive and defensive alliance between two self-governing communities united together by allegiance to one legitimate sovereign. Therefore we had a right to call upon the North American colonies, by organization and union, to assist in their own defence, and to prove their patriotism by a willing contribution of money and of men. There was, however, another question referred to by the honorable gentleman, which had a more immediate interest to all in that house. That question was, whether there was any urgent necessity that those two allies should at once enter into arrangements for the defence of Canada against a possible invasion by her powerful neighbor. No one could object to the tone of the honorable member for Horsham, but was it clear that there was such danger as he seemed to apprehend? Was there reason to fear that peace between the two sections of the North American States, now contending with each other, would mean war by them against this country, with Canada and the ocean for battle-fields? He knew that fear did prevail extensively, but he need hardly say that he did not entertain it, as he believed it to be utterly groundless. Still that fear did prevail; it kept down the funds and affected all the calculations of commerce. A contest between the United States and ourselves would be a disgrace to civilization, and might almost be called one civil war taking the place of another. [Hear, hear.] Still, though he believed the fear to be utterly groundless, yet he was not surprised at its existence, because certainly men in high position and exercising great influence in the country had done their best, honestly, no doubt, to create it. The conciliatory tone of the honorable member for Horsham had not been adopted by members of his party occupying even more distinguished positions before the country. He would only refer to a speech delivered in another place by a noble earl, who was regarded with the greatest respect by honorable gentlemen opposite, and for whom those who sat on his (Mr. Forster's) side of the House also entertained great respect. That noble earl, on the occasion of despatches being produced, took an opportunity of expressing his fears of a war with the United States, in a manner more urgent and less conciliatory than the honorable member had done. Those remarks of the Earl of Derby—["order!"]—he begged pardon, the remarks which were made elsewhere on a late occasion, were to the effect that very great danger existed owing to the hostile feeling of the American people towards us. The speaker, on that occasion, dwelt upon what he considered the menacing symptoms of hostility on the part of the United States, and said that he regarded the danger as immediately impending. Of course, when a statesman holding so high a position uttered such words, their effect was felt throughout the country. The temperate tone of the honorable member to-night might to some extent undo the harm which the speech of the noble earl had done. Still, the very fact of such discussions made it imperative upon the government to give the fullest information, and the House ought to know whether the state of our relations with the United States was such as would warrant the language that had been held elsewhere. It was not right, perhaps, to use the word "fear," because a brave and high-spirited nation like this did not fear any other power. It would be better to say that suspicions were entertained which might be very irritating and unreasonable, but because of their unreason were exceedingly dangerous. Let the House look back for three or four years, and he thought that all who were afflicted with the French panic of that time now felt ashamed for the fears they then expressed. ["No!"] In the case of America it was still worse, because the very reason which should make a war with the United States a thing to be dreaded, was also a reason why the danger of a fulfilment of our own apprehensions was greater—the similarity of language which caused every expression of suspicion and anger to reach the American people. A few days since there was a leader in the most influential organ of public opinion in this country, *The Times*, in which, in the strongest language, it was asserted that there could be no question but that the federals would go to war with us whenever a prospect of success presented itself. [Hear, hear.] Some gentlemen in that house seemed to be of the same opinion, [hear, hear,] but would they agree with the concluding paragraph of that article, in which a hope was expressed that the present terrible contest would continue to devastate America and to decimate the population, so that the northern people, to whom were imputed hostile intentions against us, might become exhausted? If there were such hostile feelings entertained towards us, it was important to ascertain the fact. True, there had been articles in American newspapers of a hostile character, but articles of a similar tendency towards America had been published in newspapers here. True, there had been unwise speeches in the American Congress, but had there not been un-

wise speeches made in the English Parliament? [Hear, hear.] A nation could, however, only be responsible for the acts of its rulers, and he would accordingly refer for a moment or two to what had been done by the American government. He did not understand that the notice given by Mr. Adams, of the discontinuance of the arrangement with regard to the lakes, was final, and he believed that the interpretation which had been given to that notice by his honorable friend was a wrong one. Mr. Adams, in the despatch containing that notice, after mentioning the reasons for adopting such a course—reasons which had been dwelt upon by his honorable friend—proceeded to say:

"I am, therefore, with great regret instructed to give this formal notice to your lordship, that, in conformity with the treaty reservation of the right, at the expiration of six months from the date of this note, the United States will deem themselves at liberty to increase the naval armament upon the lakes, if, in their judgment, the condition of affairs in that quarter shall then require it."

They all knew, however, that a great deal might happen in six months. It was his belief—and in that belief many persons coincided—that before that time had elapsed it was by no means impossible that the war itself, and with it the very state of things which had led to this notice, might be at an end. Mr. Adams went on to say:

"In taking this step I am desired to assure your lordship that it is resorted to only as an indispensable measure to the national defence, and, so far from being in a spirit of hostility, that it springs from a wish no less earnest than heretofore to preserve the most friendly relations with Great Britain. I take pleasure in adding, that it is the fixed purpose of my government in every case to direct its energies to the prevention of all attempts to invade the British territory, whether by way of retaliation or otherwise."

If words expressed any meaning at all, that despatch conveyed the impression that that arrangement was not regarded as a bad one by the American government, but that it was simply thought necessary to depart from it on grounds of self-defence, and that as soon as the causes which had led to the departure had ceased, the desire for its termination would no longer remain. His honorable friend evidently labored under a misapprehension with respect to the reciprocity treaty, because as yet no notice had been given for its termination. There was undoubtedly a party in America whose interests were injured by that treaty, but when the causes of irritation at present in existence had ceased, he believed that the great majority of the American people would feel that that treaty, in its main principles at all events, had been of great advantage to both countries, in reality he believed even more advantageous to the Americans than to the Canadians. This feeling would, he believed, prevent that treaty from being repealed, though it might possibly undergo some slight modification. His honorable friend had also severely blamed the American government for the efforts which they had made to fortify their towns. He felt sure, however, that his honorable friend would not for a moment attribute such an obvious act of self-defence to any desire on the part of the American government to commence hostilities against this country. It should not be forgotten that, though our government had preserved the strictest neutrality during this unhappy conflict, attempts had been made for the purpose of procuring a departure from that policy, and, not unnaturally, a fear was excited in America lest those attempts should prove successful. The government of that country, therefore, would have been remiss in their duty if they had taken no steps to provide against the emergency which a war with a foreign power would have created. He would allude, also, to an impression which existed in the minds of many persons, that it was the intention of the American government to enforce a claim on account of the disasters caused by the Alabama and similar ships which had issued from our ports. He trusted the House would allow him to refer to the words in which that claim had been urged. After giving the reasons on which the claim was founded, such as the destruction of property, and accusing us of a want of promptitude in our attempts to hinder the departure of these vessels from our shores, Mr. Adams said:

"Upon these principles of law, and these assumptions of fact resting upon the evidence in the case, I am instructed to say that my government must continue to insist that Great Britain has made itself responsible for the damages which the peaceful, law-abiding citizens of the United States sustained by the depredations of the vessel called the Alabama. In repeating this conclusion, however, it is not to be understood that the United States incline to act dogmatically or in a spirit of litigation. They desire to maintain amity as well as peace. They fully comprehend how unavoidably reciprocal grievances must spring up from the divergence in the policy of the two countries in regard to the present insurrection. They cannot but appreciate the difficulties under which her Majesty's government is laboring from the pressure of interests and combinations of British subjects apparently bent upon compromising by their unlawful acts the neutrality which her Majesty has proclaimed and desires to preserve, even to the extent of involving the two nations in the horrors of a maritime war. For these reasons I am instructed to say that they frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question. Though indulging a firm conviction of the correctness of their position in regard to this and other claims, they declare themselves disposed at all times, hereafter as well as now, to consider in the fullest manner all the evidence and the arguments which her Majesty's government may incline to proffer in refutation of it; and, in case of an impossibility to arrive at any common con-

clusion, I am directed to say there is no fair and equitable form of conventional arbitrament or reference to which they will not be willing to submit." [Hear, hear.]

He did not believe that any government, impressed with the conviction that they had a right to make such a claim, could possibly have urged that claim in a more conciliatory spirit. [Hear, hear.] He perceived by a parliamentary paper of the 31st of March, 1864, that there were 451 claims by British subjects against the American government. Many of those claims were, no doubt, valid, and would not be disputed by the American government; but any American who believed that we should enforce those claims without negotiation would be laboring under a strong delusion. He would, therefore, ask the Treasury Bench to inform the House during the progress of the debate whether any despatch had been received from America altering the principle upon which the claim had been urged by Mr. Adams—whether, in fact, any claim had been made except on account of the destruction of the Sea Bride by the Alabama? No conduct of the Americans would warrant the extraordinary suspicion which many people entertained of the intentions of the inhabitants of that country. It could not reasonably be imagined that a peace so ardently longed for by those upon whom the present disastrous conflict had entailed so much expense and suffering would be inaugurated by the commencement of an unprovoked war upon a nation, at all events, more powerful than the south, a war which, though it might possibly be successful in Canada, would be attended with an expense as great, if not greater, than the one which would be just concluded. He believed that the British public had been misled by confederate agents or sympathizers with the south and by disappointed prophets. [Hear, hear, and laughter.] His honorable friend the member for Horsham had, he was afraid, permitted the too near approach of the first class, and the gunboat story alluded to by his honorable friend might, he believed, be traced to a confederate source. [Mr. S. Fitzgerald. No.] There were many confederate sympathizers—and he did not blame them—who, now that the rebellion appeared to be in its last stage, were straining every nerve to induce us to attempt the rescue from defeat of the cause to which they were devoted. There were men, too, of great literary fame in this country, who must be vexed at the shortcomings of their prophecies, and who, after having foretold from day to day the miserable failure of the federal power, deemed it convenient to hide their fallacies, or, at all events, divert attention from their mistakes, by continually urging upon their countrymen that success in the north would only be the herald of a war with this country. These were the men who said that whatever the American government might say or do, we were not to trust to it, because, however friendly the government might be, the people were unfriendly. That charge against the people was quite as baseless as the charge against the government. It was to be traced to three ideas, each of which was based on a fallacy—first, that the federal power and the federal people were greedy of empire and dominion; next, that they were vindictive and eager for revenge; and, thirdly, that the government was unable to control the feelings of the people. There was a fallacy under each of those ideas. To take the last first. The member for Horsham himself seemed to suppose that the American government would not be able to contend against a demand for war which might be made by the American people under a feeling of temporary irritation; but there was no government in the world of which such a thing could be said with less foundation. [Hear, hear.] The American government was a government of the people; it had never yet been a government of the mob. He challenged any honorable gentleman to produce a case in which the mob had controlled the government. [Hear, hear.] There might be dangerous mobs in New York and other cities, for which, perhaps, the American government was not so much responsible as England and Ireland, who had sent there the people who constituted them; but they had no influence over the government. [Hear, hear.] There was no one city in the United States which had any power over the American government The real body who had influence over the government was the great body of the country farmers, who cared nothing for any mob in New York or elsewhere. [Hear, hear.] There were checks, too, in the form of the American government which prevented any yielding to temporary irritation much stronger than any we had. If there was a fault in the American government, it was that it was less liable to public feeling, because the Executive was much more independent of the feeling of the country than ours. The President had far more power than our prime minister, and the fact which seemed to us so strange, that the members of the house of legislature sat for months after they were virtually turned out, was a proof that it was thought necessary to provide some check against temporary influences. What had happened during the war showed it. If an English ministry had made the failures which had occurred in the conduct of the American armies and of American policy, the English people would not have shown the same long-forbearing patience, but we should have had change after change of administration. [Hear, hear.] Therefore the fear that the American government was likely to plunge into war through any temporary irritation on the part of the people was totally unreasonable. [Hear, hear.] Then, again, as to their being eager for revenge. No doubt, as the honorable gentleman opposite has admitted, there had been some things done in England at which the American people might feel some bitterness; but they had not been done by the government, nor by the great body of the people. The Americans knew that, and the adherence to the cause of the Lancashire operatives throughout all their sufferings would far outweigh any attack made upon them by any men of great station. [Hear, hear.] They knew well

that if there was one man in this country who, deluding himself into the belief that this greatest experiment of modern times was a failure, had hailed the accomplishment of his hope with premature joy, there were a hundred who, like the noble lord who had conducted our foreign affairs, had hoped from the first that the great republic would pass unscathed through its trial, and rejoiced now that it seemed likely that she would emerge purified from that slavery which had been her weakness and shame because it had been her sin. [Hear, hear.] Then, as to the idea that the American people were greedy of dominion and empire, for that the noble lord at the head of the Foreign Office was in some degree responsible. In one of his speeches the noble lord said that the north were fighting for empire, and the south, for independence, and then said how that if the American people would fight for empire in the south, they would also fight for empire in the north. [Hear.] He would not say whether the north had been fighting for empire or not, but it certainly had not been conscious of it. The northern people believed that they were fighting to prevent the destruction of their country; and in any attack upon Canada they could not feel that they were fighting in anything but an unprovoked war for empire, and that would be a very different feeling from that which now animated them. [Hear, hear.] This idea, therefore, was as unfounded as the others. Surely, then, we might consider how these fortifications were to be raised with coldness and calmness, and without rushing into any enormous expenditure which might affect the budget for years. Whatever we could do would not be the true defence of Canada. These fortifications would avail little for the defence of Canada; the matter would have to be fought out by the possibility of our inflicting injury on the Americans in other quarters. If Canada was to be defended at all it must be by the continuance of that determination to uphold the principle of neutrality which the Canadians had evinced, and the best thing we could do, either in this country or in islands far away subject to our rule, was to endeavor by every action and every thought to hasten the time when—this great struggle over and America once more in the enjoyment of that prosperity assured to her by her fruitful soil and boundless resources—the great English-speaking people, whether subjects of her Majesty or members of independent communities, or citizens of the United States, should feel themselves bound together by the tie of a common language, a common blood, faith, and freedom, and should deem a war between each other as horrible and revolting as a civil war within their own territories. [Cheers.]

Mr. CARDWELL. The honorable member for Horsham concluded his speech by saying that if ever a disaster overtook us from the want of proper energy and foresight on the part of the government, he should feel the utmost satisfaction from the reflection that he had at least given early notice of the danger. But if such a contingency did ever arise it would be a still more natural source of satisfaction, either to a subject of her Majesty or a citizen of the United States, that no syllable had ever fallen from him which could have the remotest tendency to bring about the great calamity of a war between the two counlries. [Hear, hear.] My honorable friend, the member for Bradford, in his eloquent speech, has called on the government to answer two questions. He has asked us to state distinctly whether we cannot truly assure the House that our relations with the United States are, as they have been, perfectly friendly. [Hear.] I can, without reserve, give that assurance to the house. [Hear, hear.] My honorable friend has also asked whether there is not some correspondence unknown to this House, varying the tenor of the demands made on this country for compensation on account of the destruction of American merchantmen. With equal pleasure and confidence I can assure my honorable friend that the answer I have to give is the answer which he desires. [Hear, hear.] There are no papers varying the tenor of the principle on which that question stands between the two governments. The member for Horsham began his speech in a tone of which we can make no complaint. All I will say of it is that it contrasts most advantageously with the tone which has been taken by other persons on the same subject, and I sincerely trust that that tone will always be observed. [Hear, hear] I should feel deeply reprehensible if I allowed a single syllable to drop from me which would tend to exasperate any difference of opinion or to turn that which might be a mattter of passing controversy into a serious subject of dispute. The honorable member for Horsham told us that he did not see any evidence of hostility in the course pursued by the American government with regard to the arrangements as to the number of vessels to be kept on the lakes in times of peace. With regard to the reciprocity treaty, when notice shall have been given by the United States ner Majesty's government will not lose a moment in endeavoring to renew negotiations on a subject of such importance to both the United States and this country. The honorable gentleman has referred in just terms to the cancelling by President Lincoln of the order issued by General Dix, and to the uniform courtesy manifested towards this country by the United States minister in London. I cordially agree with him in respect of what he has said of the excellent conduct of Mr. Adams, and I must say that in selecting their representatives in this country the government of the United States have always paid us the compliment of choosing from among their first citizens. [Hear, hear.] The honorable gentleman, after speaking in this mode in the early part of his speech, then passed with a rapid transition, through which I was unable to follow him, to a consideration of the dangers which he sees in the future. He thinks that after the present civil war is over there is imminent danger of hostilities between the United States and this country. ["No, no!"] I don't believe that in using the expressions to which I refer the honorable gentleman meant to

give his sanction to the demands made by the United States, and which my honorable friend the member for Bradford and every one else in England disapproves; but I understood him to say that the United States complained, not without reason, that their commerce had been interfered with. [No!] Well, whatever may be the honorable gentleman's opinion on that point, I will admit with him that whatever may be the prospects—and I hope the prospect of relations between the United States and Great Britain is not one in which we are obliged to see hostilities—it is not on the justice or good will of any other country, nor on the forbearance of any other country, we are to calculate for our self-defence. [Hear, hear.] It is on our own position, on our own means of defence. [Cheers.] The honorable gentleman has a right to call on us to state what we are doing with a view to the defence of Canada. He knows that for the last three years we have been impressing on Canada the necessity of making greater preparation as regards her defence. We are prepared to do our part in defending that colony; but we have always held that for its own defence a country must mainly rely upon the spirit, energy, and perseverance of its own people. [Cheers.] The honorable gentleman also knows that in England there were serious complaints that Canada had not shown herself disposed to take those measures for her own defence which this country had reason to expect from her. In 1863 a new militia law passed, but the vote which passed in Canada last year was an inconsiderable one. In consequence of that circumstance, a right honorable gentleman opposite was so dissatisfied with the state of Canadian preparation that last session he felt it his duty to come down to this house and call on her Majesty's government to concentrate all our forces at Quebec. We did not agree in that proposal, for reasons which appeared to us to be sufficient. It is now perfectly well known that when, in the autumn of last year, a proposal was made for the union of the British provinces in North America, a totally different spirit began to be manifested, and the Canadians manifested the greatest desire to prepare for their own defence. Anxious to promote that desire we sent out Colonel Jervois, who held a friendly connexion with Canada, and drew up a report on the Canadian defences, which now lies on the table of the House. The honorable gentleman asks me what we are going to do with reference to this report, and I shall answer all the questions he put to us as far as I think the honorable gentleman is entitled to an answer. The report laid on the table points to the fortifications of Montreal and Quebec, positions of the greatest importance for the defence of Canada. The defence of Quebec we engaged to undertake; the defence of Montreal we called on the colony to undertake; the armament of both we are willing to undertake; so that the division of expense will be about two-fifths to the mother country and three-fifths to the colony. The honorable gentleman speaks as if he thought the whole question of defence was mainly, if not entirely, for the mother country. [Mr. S. Fitzgerald intimated his dissent.] The honorable gentleman did not say so in terms, but I drew that inference from his remarks. If, however, that is not his opinion, it only helps my case; if it is not, he agrees with me. We think that is a right division; that the position which is the gate of Canada, through which the military and naval forces of England are to enter to defend Canada, should be fortified by the mother country; and that Montreal, the strategic and commercial capital of Canada, should be fortified at the expense of the Canadians themselves. [Hear.] And now, in answer to the honorable gentleman's first question, Why did we not proceed sooner? I reply that, as long as Canada made no exertions, and showed no readiness to prepare for her own defence, we felt it would be wrong in us to come to the House and ask for imperial money to defend Canada; but the moment that spirit was shown which was manifested in the autumn of last year, it became our duty to come and ask the House of Commons to enable us to give assistance to Canada. [Cheers.] As to his second question, Why are we only asking £50,000 for the present year? the honorable gentleman himself has relieved me of the largest part of my answer, because he admits that £50,000 is as much as can be advantageously spent during the present year in the preparation of the Canadian defences, and when the estimate comes to be discussed we shall satisfy the House that this sum is as large a one as it would be right and proper to ask for during the first year of the work. It has, I know, been represented that because we ask for only £50,000 the first year—the total amount of the estimate being £200,000—we are going to keep the works in hand for a period of four years; but nobody would make that remark who is acquainted with the subject. In the first financial year you can make but a comparatively small progress with the actual works of such fortifications; only the earthworks are raised in the first year, whereas in the second nearly the entire of the permanent works may be completed. The third question of the honorable gentleman I have already answered. Then, with respect to Kingston, the first step towards the defences of the lakes is the providing of a place of safety for coaling and harboring our vessels. We have called the attention of the Canadian government to that necessity; we regard it as the business of the colony, and not of the imperial government, to furnish that fortification. [Hear, hear.] With regard to the honorable gentleman's sixth question, which is as to what we intend to do in future, I have to observe, that I feel he is entitled to an account of what we have done and what we are doing, but I must respectfully refuse to furnish him with information as to what we intend to do with regard to the defence of Canada at some future day, and in some future emergency. [Hear.] The considerations connected with such an emergency are two-fold: First, a war with Canada is a war with England. [Hear, hear.] The imperial forces will be brought to the aid of Canada, and wherever it will be most effective in destroying the power of the enemy there the

imperial power will be exercised. [Hear, hear.] Next, the defences of Canada must consist of the forces furnished by the mother country, to be supplemented by the military power of Canada. [Cheers.] I have the satisfaction of stating that in Canada large bodies of officers are being trained to take the command of the militia in time of emergency; that the number of training places has been increased, and is still being augmented; and that other preparations are being made to bring a large number of militia into a state of active efficiency. This being the spirit in Canada, and the mother country acting in unison with this spirit, I think it may be said very confidently that defences are being provided for Canada. [Hear, hear.] But I hope that nothing will ever occur in our relations with the United States to make it necessary that Canada should be defended against an enemy. [Hear, hear.] I cannot express the feelings of regret with which I should view any controversy between the United States and the subjects of the Queen. I should look upon it as a calamity unequalled by anything that the world has ever seen, and I sincerely trust that, however much we may debate among ourselves these questions of the defences of Canada and of the relations which subsist between that colony and the mother country, we shall be careful so to employ our language as not to irritate temporary differences, not to expand into great disputes questions which might shortly pass away, and to believe that the same kind and just feelings which we know to be prevalent among the educated classes and among the members of the government of this country are equally prevalent in America. [Loud cheers.]

Mr. Disraeli. I do not think the government, after placing the report of Colonel Jervois upon the table, could have expected that this subject would not be touched upon in this House, and I do not think it could have been brought forward with greater moderation than has been shown to-night. I am sorry that the honorable gentleman opposite should disapprove the opinion which he referred to as having been expressed in another place. I am myself at a loss—acting as I do merely upon my impression of the moment—to recall any such expression of opinion by the individual to whom he has alluded which would justify his remarks. If I recollect aright, on a particular occasion, in recalling to the recollection of those whom he addressed the great irritation which was the result of the affair of the Trent, the individual in question naturally inquired why four years had been allowed to pass away without those preparations being made which it was confessed were necessary for the proper support of the dignity of the country. That appeared to me then, and appears to me still, to be a very difficult question to meet. [Hear, hear.] With regard to the general opinion on American affairs expressed by the eminent statesman to whom reference has been made, and in whom I place the greatest confidence, I may say that I have frequently expressed similar opinions in this house, and that they are in all respects mutually concurred in and shared by Lord Derby and myself. [Hear, hear.] With a full recollection of the facts, I do not believe that it is possible to recall any expression which has fallen from the lips of that noble lord during the last four years that can in any way justify the allusion and the references of the honorable gentleman. I am not here to-night to impute, and I have never imputed, anything against the conduct of the government of the United States throughout this great struggle; but, on the contrary, I am now prepared, after further experience, to repeat what I said two years ago, that, under circumstances of almost unprecedented difficulty, that government has conducted itself with great energy and discretion. [Hear, hear.] I am not of opinion that in the event of the termination of the American war we should be placed in any immediate danger of coming into collision with that government owing to our connexion with Canada. [Hear.] I do not pretend now to express any opinion as to what may be the termination of the present contest, as it appears to me to be quite foreign to the question under discussion; but, even assuming that the result may be such as is anticipated by the honorable member for Bradford, I do not believe that the citizens of the United States of the north, even if entirely and completely victorious, will feel inclined to enter immediately into another struggle with a power not inferior in determination and in resources to the southern States of America. [Hear, hear.] I form that opinion because I believe that the people of the United States are eminently a sagacious people. [Hear, hear.] I don't think they are insensible to the glory of great dominion and of extended empire, and I give them equally credit for being influenced by passions which actuate mankind, and particularly nations which enjoy such freedom as they do. [Hear, hear.] But they are a sagacious people, and I don't think they would seize the moment of exhaustion as being the most favorable for the prosecution of an enterprise which would require great resources and great exertions. [Hear, hear.] There are other reasons which also induce me to dispute that opinion. I have not been influenced in forming my judgment upon points of such vast importance by that sort of rowdy rhetoric [laughter and "hear, hear"] which has been expressed at public meetings and in certain journals in America, and upon which some people in this country found their conclusions as to the possible character and opinons of the American people. I look upon these expressions of opinion as I should look upon those strange and fantastic drinks of which we hear so much, and which are such favorites on the other side of the Atlantic, ["hear, hear," and laughter,] and I should as soon suppose this rowdy rhetoric was the expression of the real feelings of the American people as that these potations formed the aliment and nutriment of their bodies. There is another reason why this violent course will not be adopted. The democracy of America must not be confounded with the democracy of the Old World. It is not formed of the scum

of turbulent cities, neither is it merely a section of an exhausted middle class, which speculates in stocks and calls that progress. [Loud cheers and laughter.] It is a territorial democracy, if I may use that epithet without offending the right honorable gentleman opposite. [Hear, and laughter.] Aristotle, who has taught us most of the wise things we know, never said a wiser one than this—that the cultivators of the soil are the least inclined to sedition and to violent courses. [Hear.] Now, being a territorial democracy, their character has been formed and influenced in a manner by the property with which they are connected, and by the pursuits they follow, and a sense of responsibility arising from the reality of their possessions may much influence their political conduct. [Hear.] And I believe they are very much more inclined to welcome the returning laborers to their fields, to see around them the products of the earth, and to behold happiness in those households to which they are so much attached, than to plunge into the miseries of a new and terrible war. [Hear, hear.] But, although these are my opinions generally, I cannot conceal from myself that very great changes have taken place in America of late years, and these changes I have reason to believe are not regarded in this House with sufficient seriousness, while, in my opinion, they amount to no less than a revolution. I will ask honorable members to recall to themselves the state of North America when we met in this House four years ago. That portion of the world was then divided among what we may call three great powers: first, the United States of America; secondly, Canada and the settlements and dependencies belonging to our own sovereign; and, thirdly, Mexico, a country which certainly did not possess much political power, but which in extent, resources, fertility of soil, and mineral wealth was almost unequalled in the world. In every one of these three divisions there have been immense changes. In the United States a civil war has raged for four years, and even if that war should terminate, as the honorable member for Bradford suggests, I cannot believe that we shall see the same society and form of government established, or even, if the form be the same, certainly the spirit will be altered, as existed before the civil war commenced. [Hear.] We must recollect that even if the federal government should be triumphant, it will have to deal with most perplexing questions and with a discontented population. I need not dwell much upon the then state of the southern community, but the slave population will then be no longer slaves; there will be several millions of another race emancipated and invested with all the rights of freemen, and, so far as the letter of the law is concerned, they will be upon an equality with the Saxon race, with whom they can possibly have no sympathy. We know from experience and practice that there is a difference between those who are recently emancipated and that—I will not call it a superior race, because that might offend honorable gentlemen opposite [a laugh;] nor will I call it an inferior race, but a race that is not identical with the other. Nothing tends more to the discontent of a people than that they should be in possession of privileges and rights which practically are not recognized and which they do not enjoy. These are the elements of political discontent, and it is possible that when this war is over the American government may have to deal with great masses of discontented population. To do this successfully you must have a strong government. What does that mean? Why, you must have a centralizing government; and the American government have found it necessary to have recourse to the centralizing principle during these events. The government must have an army at its command in order to maintain the order and unity that it is bound to uphold. These are the elements that cannot fail to produce great difficulties in the United States, even if they come triumphant out of the struggle in which they are engaged. But what is the position of the colonies and dependencies of her Majesty in that country? Four years ago, when this struggle broke out, there was very little in common between them. The tie that bound them to this country was almost one of formality; but what has been the consequence of this great change in North America? You have now a powerful federation, with the element of nationality strongly evinced in it; they count their population by millions, and they are conscious that they have a district more fertile and an extent of territory equal to the unappropriated reserves of the United States. These are the elements and prognostics of new influences that have changed the character of that country. Nor is it without reason that they do not feel less of the ambition which characterizes new communities than the United States, and that they may become, we will say, the Russia of the New World. Well, what is also the condition of Mexico? Four years ago, when this war broke out, Mexico was a republic, with a weak government. It is now an empire, and it has become so by the interposition of two of the most ancient states of Europe—France and Austria. When we see all these immense changes it is impossible to deny that in North America a great revolution is occurring, and that when this struggle is over, when peace reappears, and tranquillity is re-established, you will find these communities governed by very different influences, and aiming at very different objects. I have often heard statesmen, and distinguished statesmen, mumbling over the balance of power in Europe. It has appeared to me always to be a great mistake when we look to the distribution of power to confine our views to Europe, because we shall find, and, perhaps, speedily find, that there are other influences in other quarters of the globe which will interfere to disturb our calculations. It seems to me that this war in America has rapidly precipitated the change. It shows us that the proper meaning of "balance of power" is security for communities in general against a predominant and particular power, and that you have to take into your consideration states and influences that are not to be counted among the European powers. It is impossible, not-

withstanding what honorable gentlemen may say about the character of the United States, to conceal that there is a feeling among those influential land-owners to whom the honorable gentleman the member for Bradford referred, with regard to Europe, of a peculiar character. I will not say that they look to old Europe with feelings of jealousy or vindictiveness, because epithets and words of that kind ought not to be unnecessarily used with respect to the relations between nations; but it is undeniable that the United States look to old Europe with a want of sympathy. They have no sympathy with a country that is created and sustained by tradition, and the only country to which they look with sympathy is that part of old Europe which is new. I have always observed this in their conduct. [Hear.] It is quite clear, then, it is impossible to know what relations may exist between the United States, this country, and her Majesty's dependencies on the other side of the Atlantic. Taking these larger views, then, we ought to consider that, not to-morrow or next year, but that we are on the eve of events of very great importance. The question we have to ask ourselves is, is this country prepared to renounce her American dependencies and colonies, or are we to retain that tie? Now, if these colonies expressed a wish to separate the connexion, and if they preferred to be absorbed by the United States, we might terminate our connexion with dignity and without disaster. But if, on the other hand, those views are just which are more generally accepted—if there should be on the part of Canada and the other North American colonies a sincere and deep desire to form a considerable state and develop its resources, and to preserve the patronage and aid of England until that mature hour when we shall lose our dependency, but gain a permanent ally and friend—then it would be the greatest political blunder that can be conceived for us to renounce, relinquish and avoid the responsibility of maintaining our interests in Canada at the present moment. [Hear, hear.] If, from considerations of expense, we were to quit the possessions that we now occupy in North America, it would be ultimately, as regards our resources and wealth, as fatal and disastrous a step as could possibly be taken. Our prosperity would not long remain a consolation to us, and we might then prepare for the invasion of our country and the subjugation of our people. I infer that honorable gentlemen opposite do not express these views, which have, however, found utterance in other quarters, but that they take a truly patriotic and English view of this subject—namely, not to force our connexion on any dependency; but if, at a moment of revolution in North America, we find our colonies asserting the principle of their nationality, and if, foreseeing a glorious future, we find them still depending on the faithful and affectionate assistance of England, it would be the most short-sighted and suicidal policy to shrink from the duty that Providence has called upon us to fulfil. [Hear, hear.] What is the course which we ought to take under these circumstances? I cannot doubt that it is our duty to place our North American colonies in a state of proper defence, and when we are told that you cannot defend a frontier of 1,500 miles, I ask, who has ever required you to defend a frontier of 1,500 miles? What we recommend and require—I do not speak of this side of the House, but of those generally who hold these views—is to see that our troops in Canada are not placed in a position in which the utmost bravery and skill are of no avail, but that they should defend that country according to military practice. Austria does not attempt to defend the whole of her frontier; but she provides a good army, and takes care that when her territory is invaded there shall be points round which her troops may rally, and which they may occupy against superior strength. We wish to see Canada placed in such a condition that if she has to be defended by her countrymen, assisted by the troops of her Majesty, they may have the fair-play the troops have a right to expect by having fortifications constructed with sufficient skill to double the number of her army and insure the success of a campaign. [Hear, hear.] That is what we trust her Majesty's ministers have determined to do. I think that these four years need not have been lost, and that from the first the affairs of North America have not been considered of the importance to which they have now attained, and which from the first I have felt they must attain. I do not wish to employ taunts, but I form that opinion from judgments which have been expressed by members of her Majesty's government during the last four years. Those judgments upon the struggle in America and its probable consequences have been for the most part inconsistent. One day we were told by an eminent member of the government that the south might be said to have completed her independence, and speeches have been made which led all England to suppose that a diplomatic recognition of the southern States was to be expected. Very shortly afterwards another great authority, now lost to this House—and no one deplores that loss more deeply than myself; I mean the late Sir G. Lewis—told us that he did not recognize the existence of a single element of political independence in the south. Well, these inconsistent opinions perplexed the country, and have shown that from the first the government have never taken that view of the situation which we had a right to expect. One day we were led to believe from the highest authority in the government that there was on their part the utmost sympathy with those who were struggling in the southern States, while, on the other hand, the minister whose judgment upon such matters has, of course, peculiar weight, and which was particularly watched by foreign countries, expressed opinions of a totally different character. Sir, I do not blame her Majesty's government because, in a position of extreme difficulty, they have made mistakes and formed opinions inconsistent with each other, but what I do regret is the consequence of those discordant opinions on their part—namely, that all this time her Majesty's colonies have not been defended as we are now all agreed they should be, with the possibility of dangers

hanging over them; that we have lost four years, and are now about to make an effort on a very small scale, and necessarily with very limited resources. [Hear, hear.] But, sir, that is, after all, but a very little matter provided we are now following a sound principle. If the Parliament of England is determined to maintain our connexion with the colonies of her Majesty, founded upon an unequivocal expression of opinion on their part that to that connexion they cling with feelings of a character which shows that the national sentiment is perfectly unimpaired; if they prove that the reports and rumors which have been circulated of late years respecting the feelings of the colonies are wholly unfounded, and that they themselves are resolved to maintain it until they emulate us in our great career, and become our rivals as well as our allies and friends, then I shall not regret what has occurred. It appears to me that there are two consequences of public opinion being of late agitated upon this topic—that we are conscious now of what our duty to the colonies is, and that we are prepared to fulfil that duty in a manner which I doubt not will conduce to the strength and independence of the British empire. [Hear, hear.]

Mr. Lowe. I should like to take up this matter just where the right honorable gentleman who has just spoken has set it down. I will not enter into any discussion as to the intentions or motives of the American government, because it appears to me both dangerous and unnecessary. In the first place, it is dangerous, because, just as in private life, nothing irritates more than such discussions and examinations, and psychological dissections as it were, just as if they were mere natural curiosities. [Hear, hear.] In the second place, it is unnecessary, because, whether the American government have or have not any designs upon Canada, it is our duty to do what is needful. [Hear, hear.] It seems to me perfectly plain that it is our duty in this extremity, whatever complaints we may have had against Canada—and I think we have had many—to consider any attack upon them as an attack upon ourselves. [Hear, hear.] This is not an occasion for picking quarrels or examining too nicely whether the Canadians have always acted towards ourselves as they should have done. Now is the time to stand by them and to make it known that those who go to war with Canada go to war with us. But, having cleared up this preliminary matter, what I want to put to the House, and what it becomes us to consider, is what this country is bound to do for the defence of Canada. And upon that point I think we have had a difference of opinion. There is the honorable member for Horsham (Mr. S. Fitzgerald,) who goes all along the St. Lawrence for 800 miles, and says we are to keep large vessels-of-war in those waters. Then he comes to the rapids of the St. Lawrence, and thence upwards is to be defended—I know not exactly how, but I believe with other vessels-of-war of a smaller kind. My honorable friend finally seems to think that it is the duty of this country to put, at the imperial expense, the frontier of Canada in a complete state of defence, and to find all the maritime expenses that may be wanted. ["No."] Then I take my right honorable friend the secretary of state, and he says, with great force and pithiness, that the real defence of Canada is that she belongs to England. But he does not stop there; he says that something must be done by Canada herself, and that what we do must be regulated by what may be done by her. It is my misfortune to differ from both. Let us look at the question on the supposition that we are actually at war. What does Colonel Jervois say will happen? He says if you have no fortifications besides those which exist your troops will have to retreat to their ships, and they will be happy if they reach them. [Hear, hear.] Therefore, says Colonel Jervois, make fortifications. But what is to happen if we have them? [Hear.] He says as soon as the Americans invade Canada you will be driven like sheep into the fortifications, and then the hope is that the country will rise around you. You will become a sort of nucleus—for that is the favorite expression on such occasions [a laugh] and this nucleus will gather to itself a sort of vapory mass—the Canadian militia, whose existence has been of that nebulous order, through which you can see a star of the sixteenth magnitude. [A laugh.] But look at this thing from a common sense point of view. Don't look to the old analogies of 1812 and 1814. The Canadians then made an admirable defence, and the Americans had nothing to boast of as to the result of the engagements on land. But on the lakes we met the Americans, and on Lake Champlain we got right well thrashed, and the figure we cut on Lake Ontario was not a very agreeable one. [Hear, hear.] Well, fifty years have elapsed since then, and have things remained the same? [Hear, hear.] Are we going to embark on the defence of Canada as if the principles which we deemed sound in 1813 and 1814 were still to be relied on? [Hear, hear.] Take the lakes. If America was more than a match for us in 1813 and 1814 on the lakes, what must she be now, when by means of the New York Central and Ere railroads she can transport both men and means to the scene; when she can carry down gunboats, as many as she pleases; when to one man of ours she can put ten; and if ten won't do, she can put twenty? [Hear, hear] Can anything be more idle, or more unworthy of a great nation, than to think of carrying on war on such a principle as that? [Hear, hear.] Then we are to attempt to fight with America on her own ground. Canada has not a gunboat to put on the lakes, while America has boundless facilities of outnumbering us in any proportion that she thinks proper. Are we really to enter with the money of the people of this country into such a matter as that? Then let us turn to the land. I have no doubt that the few thousand men we may have in Canada will fight. But what support have they from Canada? Colonel Jervois tells us that you have twenty-one thousand seven hundred volunteers, whom he has seen, and who have got through their exercise very well, and that there are some

thousands besides whom he has not seen, but who, he doubts not, would do their duty equally well. And then there are four hundred and seventy thousand militia men on paper, which nobody has ever seen at all. [A laugh.] In fact, Canada has no *materiel*. We are told to-night that we are to find her *materiel*, for her fortifications are utterly antiquated. And with what forces could America invade? Why, with any number that she thought proper, and these trained, disciplined, veteran troops, ten times the number that we could bring into the field. [Hear, hear.] It would not be as it was with General Montgomery in the war of independence, when he had to struggle through impenetrable woods in the depth of winter. America has railways now to transport to the frontier any number of men she pleases, so that under these circumstances the disparity of forces would be absolutely and entirely overwhelming. [Hear.] You will say, perhaps, that this is a good argument for building fortifications. But it is impossible for me to describe to the House what, probably, many have seen for themselves—the situation of the places that we are asked to fortify, and the difficulties which that situation creates. General Wolfe cannonaded Quebec from Point Levi, about three-quarters of a mile from the town, and was able to do this even with the artillery of that day. If Point Levi were seized now, it is certain that, with modern artillery, Quebec would lie absolutely at the mercy of the enemy. Then what are your mens of preventing them from taking Quebec? You may, perhaps, build a fort on Point Levi, but how are you to hold it against such a force and such artillery as America can bring against it? Setting this aside, however, I have never seen a place which seems to be commanded from more points, and to be more entirely exposed, than Quebec is. The town is so built that you seem able to pitch a shell into every house in it, and it would be hard to find a better mark than the citadel itself. Mind, I don't grudge the money for these fortifications if they give any satisfaction to the Canadians. No doubt we can strengthen Quebec, because now it is not defensible in any way whatever. Indeed, I doubt whether it ever was defensible, because when Wolfe attacked it and gained the Heights of Abraham, Montcalm judged it prudent to march out into the open field instead of awaiting the assault behind his fortifications. I shall not object to fortifications if they are thought desirable. But it seems to me perfectly impossible that when our troops are once hunted into Quebec and Montreal—for that seems to be what it is thought will happen—they can ever escape again. Colonel Jervois, you must remember, assumes that you can only make war in Canada during the summer. But, in fact, in the rebellion the war was carried on in winter time, and General Montgomery, who besieged Quebec, made his way through Maine, where there were then no roads, in the depth of a severe winter. He assaulted Quebec at that time of year, and if an extraordinary casualty had not happened—if he, with seventeen of his staff, had not been killed by the discharge of a single cannon, he might have taken Quebec, and the destinies of Canada might have been entirely different from what they are to-day. What, then, is to guarantee your eight thousand troops against a similar catastrophe when the St. Lawrence is closed from November to May, and the besieging army have the means of passing across the natural bridge which the ice then makes for them? [Hear.] It seems to me that to coop up our men behind these fortifications will be like enclosing them in a net for the enemy to take them at their discretion; as Hannibal said at Canæ, when the Roman consul desired the cavalry to dismount and engage the enemy on foot, "Had he not better deliver them to me bound hand and foot at once?" [Hear, hear.] I cannot conceive why we should enter into arrangements which seem to imply that in time of war we are to keep these troops in Canada. There is another consideration which appears to me to be a most powerful one. When we once go to war with America—it may be about Canada—will Canada be the best place for us to carry on the war? In such a struggle we must consider not merely local but imperial interests; we must wage war in the mode least likely to injure the forces of the empire, and strike at points which are vital to the interests of our antagonist. If we allow the Americans to lead us, if we follow them to the points they may choose to attack—points, after all, only of local and subordinate interest—leaving unguarded other places which are of imperial importance, such a policy would end in certain failure and disaster. [Hear, hear.] We should be like the unskilful boxer of whom Demosthenes spoke, and who put his hands to the parts where he felt the blows instead of striking at the vital parts of his adversary in return. [Hear, hear.] If that be so, the defence of Canada sinks into a small matter indeed, because, considered from an imperial point of view, the question is not what is the proper defence of Canada as the sole point of probable attack, but what are the points at which America will be able to attack us with the greatest power, and at which we can best attack her in return. [Hear, hear.] It may be that the most effectual way of defending Canada would be by abandoning her altogether, and concentrating our forces upon a place of such importance to the enemy as would compel them to cease attacking Canada, and run to the vital point at which they were themselves assailed. [Hear, hear.] As far as military considerations go, therefore, my conclusion is that it would be unwise, and indeed impossible, for us to retain any force worth speaking of in Canada in the event of so great and awful struggle as that between this country and America—that we should want all our troops for the defence of these islands, or for other points more essential to us, and partaking more of the *arx imperii* than Canada. Of course I do not profess to give any authoritative opinion on a military question. but I should think that Bermuda and Halifax were much more important than any points in Canada, since the whole safety of our fleets in North American waters would depend on those two places. In the same way, it would be neces-

sary to defend certain points in the West India islands for the protection of our ships. I apprehend, therefore, that we should act very imprudently in case of war in keeping our men in Canada. But if it would not be prudent to keep our troops there in time of war, is it right, or is it wise to keep them there in time of peace, thereby encouraging the Canadians to believe that they will have these troops if war should break out, though we know, at least those who take my view know, that the necessary result of the war which begins with the invasion of Canada must, if we are true to imperial interests, be the speedy withdrawing of these troops? [Hear, hear.] I say that unless you are prepared to maintain that the same force should be kept in Canada in war as in peace, it is wrong to retain our troops there now, because we are thereby urging the Canadians on under false pretences. [Hear, hear.] Better—they should know the truth at once—know that they and not we are to fight the Americans; that, with our small army, we should, as we did in the Crimean campaign, soon feel the wear and tear to be so severe that we should be compelled to withdraw our troops from Canada for our own protection. [Hear, hear.] There is another point of view which I think deserves consideration. I believe that, if war does break out, nothing is so likely to cause it as the presence of British troops in Canada. [Hear, hear.] There are those in America who look upon the presence of British troops in Canada as a standing menace. I believe that a sincere conviction prevailed among those persons that on the 4th of March England was about to recognize Mr. Lincoln as only the President of the northern States, thus recognizing the south by implication. [A laugh.] There is nothing which these people do not suspect. Then there is the Monroe doctrine; and the presence of our troops in Canada seems to connect this country with it, and to excite ill will against us. Another point of still greater importance should be born in mind. In my opinion nothing would be so strong an incentive in America to war with this country as the notion that they could catch a small English army and lead it in triumph. [Laughter.] Never mind; if they were thirty to one, it would be all the same. [Laughter.] The popularity which such a capture would confer upon the successful general or the President of the period would be irresistible. To humble us and exhibit an English army as captives and vanquished would be to Americans a gratification which no words can express. [Laughter.] Sir, I grudge them that gratification; [hear, hear;] and therefore I say that we should act wisely in withdrawing these troops, which, while too weak to protect Canada, are quite numerous enough to give a powerful motive and incentive to war. That such a war may be averted must be the prayer of all of us. [Hear, hear.] It would be one of the greatest calamities that could befall either country, perhaps even the whole human race; and it is because I wish to destroy every excuse for war and every incentive to war, because I am convinced the English troops in Canada, though powerless to defend, are numerous enough to provoke, that I say our wisest course, both in the interests of peace and for the purpose of carrying on a successful war, if war there must be, would be at once to withdraw our troops from Canada. [Hear, hear.]

Sir J. FERGUSSON gathered from the remarks of the honorable member (Mr. W. E. Forster) that he would regard any measure for the defence of Canada as something partaking of an affront to the United States. The right honorable gentleman, (Mr. Lowe,) in his usually able and lucid manner, had now put forth the new doctrine that we should leave Canada absolutely undefended for fear of a disaster to our arms. Now, he ventured to think that if the House gave any encouragement to such notions a painful chill would be cast on the warm sentiments of loyalty so recently expressed by the nascent British confederation in North America. Such an expression would come but ill after the hearty approval given by the government to the aspirations of these provinces; and what would be thought throughout the world if we were to declare that in the event of danger to these colonies, through no fault of theirs, but owing merely to their connexion with the mother country, they were to be left absolutely at the mercy of America? He ventured to think that the suggestion of leaving Canada to take care of itself, however ingenious, was not likely to find much favor in the House. [Hear.] The right honorable gentleman endeavored to throw ridicule upon the report and recommendations of Colonel Jervois, but surely the right honorable gentleman did not expect the House to suppose that the fortifications to be erected in Canada would be of obsolete form, exposing the troops within them to the mercy of the blockading and bombarding force. Those fortifications, of course, would be constructed in accordance with all the improved appliances known to modern warfare, and with a view to the purpose of all fortifications, that of enabling a small force to compete with a large one. Whether in systems of defence such as were established all over the continent, or in those erected for the defence of valuable points at home, for which the noble lord at the head of the government was, in his opinion, entitled to so much credit, the intention was to keep the bombarding force at such a distance from the place thought necessary to be defended as would prevent the artillery from reaching it. And of course those points in the vicinity of Quebec which the right honorable gentleman pointed out as commanding the town would all be protected by suitable works. There was nothing in the remarks of his honorable friend to lead to the construction placed upon them by the right honorable gentleman, that he sought to cover the lakes with ships, and the river St. Lawrence with vessels of light draught. He had merely enforced the opinion expressed in Colonel Jervois's report, that it was necessary to have a certain number of ships capable of assisting in the defence of the Canadian frontier. It might be a question whether we could multiply ships out there with the same rapidity as the American government, but it was

evident, as he himself had pointed out at the outbreak of this American war, that the main defence of Canada must be conducted upon its lakes and rivers. The right honorable gentleman and likewise—unintentionally, he believed—the honorable member for Bradford had thrown cold water on the notion of providing for the defence of Canada while there was yet time do so. The right honorable gentleman in particular seemed to apprehend that any such steps upon our part would be like flinging a menace in the face of the Americans. But in a time of tumult, when the streets were filled with an armed force, and no one could tell to what excess the passions of the crowd might drive them, it was not considered any menace for a peaceable individual to put up his shutters. And when, unhappily, nations which had anything to apprehend perceived that affairs began to wear a threatening aspect, the invariable practice was to place an army of observation on their frontier, and by unusual measures of precaution to guard against and possibly avert the impending danger. At the time when we admitted and proclaimed that the defence of Canada was bound up with our honor, was it not as incumbent on us to take measures to prevent its being overrun by a *coup de main* as it was to protect the shores of the British channel from invasion? Unless those measures of precaution were taken which the interests and wealth of England demanded, how was it possible that our diplomacy could have force, or our commerce enjoy safety? Unless England were prepared to disarm and await with patience whatever humiliations the future might have in store, it was the duty of Parliament to guard against possible attacks on our North American possessions. The government had placed before the House a scheme by which, in the cheapest and most moderate manner, the most vulnerable points of Canada might be defended. The complaint of his honorable friend, which he begged to second, was that the government had done so little towards the accomplishment of what they themselves acknowledged to be necessary. What was an expenditure of £50,000 compared with the object to be gained? Did they think the danger to Canada would abstain from presenting itself till those fortifications had been completed at the rate of £50,000 a year? [Hear, hear.] The day had gone by when the honorable member for Birmingham could uphold the American people as models of all that was economic and peaceful. [Hear, hear.] Their appreciation of money was as nothing compared with their love of making a demonstration. The proposal, therefore, to create permanent defences for Canada, at the rate of £50,000 a year, seemed to fall little short of a mockery. If we were really determined to stand by our Canadian fellow-subjects, let us go forward in an earnest spirit and take energetic steps to have these works erected. We might then hope, not unreasonably, that measures more efficient than any yet taken would be adopted for drilling the Canadian militia, and in that event we might look forward to being able to take up such standing points as would give time for the concentration of British forces. At any rate, he hoped the country would never have to submit to the indelible disgrace of seeing troops in British uniform retreating before the enemy, unable to strike one blow for the national honor. [Hear, hear.]

Mr. WHITE felt compelled, by the remarks of the honorable baronet the member for Ayr and his honorable friend the member for Horsham, to ask those gentlemen what they proposed to do for the defence of Canada, and whether they were prepared to sanction an amount of expenditure which would soon double the national debt, obliging them meanwhile to forego all hope of the reduction of the malt duty, [hear, hear, and laughter] and sending up the income tax immediately to 1*s*. Every one acquainted with the geographical position of Canada, and the extent of frontier to be defended, would know that these things must be looked plainly in the face if England undertook to hold that country against a hostile attempt on the part of the Americans. The right honorable gentleman the member for Calne represented the opinion of every one whose opinion was worth having when he spoke of the utter impossibility of holding Canada without an expenditure of money and blood on the part of Great Britain which was fearful to contemplate. As to the alarm created by the recent conference between the northern and confederate commissioners, and the correspondence between Mr. Seward and Mr. Adams, it would be sufficient to state that the proposal for joint action on the part of the present belligerents had reference to a suggestion that the French should be expelled from Mexico. Any one conversant with the tone of American politics would see that this was the most tempting bait which the confederates, as they thought, could offer to the north. The right honorable member for Calne had mentioned the Monroe doctrine; he much wished he had explained its nature to the House. Everybody acquainted with English and American history knew that the doctrine in question was essentially of British origin, and had been suggested by Mr. Canning. France, having put down the constitutional principles which prevailed in Spain, entertained the notion of defraying herself for the expenses incurred in so doing by acquiring portions of the Spanish colonies in South America, and England, naturally indignant at conduct so detrimental to her interests, and with the aversion which Mr. Canning had ever shown from the principles of the holy alliance, induced President Monroe to enunciate the doctrine which had since become so famous. Lest an American authority upon this point might be received with some mistrust, he had referred to a work which was in the library of almost every gentleman, and from the last edition of the Encyclopædia Britannica took the following extract:

"James Monroe succeeded Madison in the presidency, and retained it eight years (1817 to 1825.) Towards the close of his administration (1823,) in compliance with the suggestion

of his Secretary of State, John Quincy Adams, he introduced into his message to Congress—adverting to the purpose of the European allies of Spain to assist her in subjugating her revolted colonies in Central and South America—the assertion of 'a principle, in which the rights and interests of the United States are involved, that the American continents, by the free and independent position which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power. * * * With the existing colonies or dependencies of any European power,' continues the message, 'we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States.'"

Congress took no action upon this, but the spirit of that body and of the nation was in favor of the Monroe doctrine. Lord Brougham, in referring to the President's declaration, stated that it had diffused joy over all free men in Europe; and Sir J. Mackintosh spoke of it in the following terms:

"This wise government, in grave but determined language, and with that reasonable but deliberate tone which becomes true courage, proclaims the principles of her policy, and makes known the cases in which the care of her own safety will compel her to take up arms for the defence of other states. I have already observed its coincidence with the declarations of England, which indeed is perfect, if allowance be made for the deeper or at least more immediate interest in the independence of South America which near neighborhood gives to the United States. This coincidence of the two great English commonwealths—for so I delight to call them, and I heartily pray that they may be forever united in the cause of justice and liberty—cannot be contemplated without the utmost pleasure by every enlightened citizen of the earth."

He trusted that the citation of such high authorities would dissipate the apprehensions which some seemed to entertain of the operation of the Monroe doctrine. With respect to Canada, England had not such vast interests in connexion with that country as with the United States. By the last returns of the Board of Trade he found that the total value of the British exports to the United States last year was £16,704,000, exceeding by £5,000,000 the exports to Australia, and being twice as much as the exports to France, while the 150,000,000 of the Queen's subjects in India took only £3,000,000 more. The trade which this country carried on with Canada and the whole of British North America did not amount in magnitude to one-third of the British trade carried on with the United States, under the influence of a high tariff and during the agonies of war. He might mention that the vast immigration pouring into the United States would really, in case of a conflict between England and America, impart to the struggle almost the character of a civil war. During the last seven years 3,152,794 foreigners arrived in the port of New York, and of that number 1,816,566 were natives of England, Scotland, Ireland, and Wales. He considered that the tone and temper evinced by the honorable member for Horsham was quite satisfactory, as contrasted with the tone and temper evinced in a speech delivered in another place by a noble lord, who, they were taught to believe, was the honorable member's leader. The only consolation he derived from the speech delivered elsewhere was that the noble lord did not regard his advent to power as very probable, or he would not have ventured on such inflammatory language as would cause his advent to power to be regarded by the Americans as a declaration of war. ["Hear," and cries of "Oh, oh!"]

Mr. C. FORTESCUE said it appeared to him that the majority of the House did not agree with the views expressed by the honorable member for Brighton. He understood the honorable member to argue that the retention of British North America depended on a calculation of figures and on a question of profit and loss. Her Majesty's government, on the other hand, and the great majority of that House, regarded the retention of those colonies as a matter of duty which a great country like this was bound to perform, provided only that those colonies were willing to remain dependent on the Crown of England, and to play a manly part in their own defence. [Hear, hear.] Knowing, then, that the colonies of British North America were desirous to remain attached to the Crown of Great Britain, and that they were willing and able to exert themselves more energetically than previously in their own defence, and in maintenance of the connexion with this country, her Majesty's government deemed it their duty to make proposals to the House to enable them to perform their part in maintaining that connexion. Therefore, with respect to the end in view, they did not agree with the honorable member for Brighton, though they did agree with the great majority of the House. The right honorable member for Calne expressed in his remarkable speech agreement with the government and the majority of the House as to the end in view, and only differed as to the means. The right honorable gentleman objected to the policy which gave a certain number of British troops to the Canadians in order to assist and encourage them. He did not understand the right honorable gentleman to object to the proposed fortifications. The right honorable gentleman reminded the House of the immense changes which had taken place since the last struggle between Great Britain and the United States, and of the enormous growth of power in the latter country. Well, the proper conclusion to be drawn from those facts was,

that fortifications were more than ever necessary to the Canadians in the present day, because it was evident that they would aid them in gaining time for mustering their forces, or serve as a protection while waiting for re-enforcements. What his right honorable friend (Mr. Lowe) really objected to was the presence of a single British soldier in British North America. Now, they all knew that the logic of his right honorable friend ran a straight course of the most unbending and merciless kind; but it sometimes left facts, and important facts, which were evident perhaps, even to inferior minds, to the left and right of its path. There were some points in his argument which he had totally overlooked. His right honorable friend said they were to withdraw every British soldier from Canada for three reasons: first, because their presence was deceptive towards the Canadian people, and tended to flatter them with hopes of a support which we should not be able or willing to give; secondly, because their presence would be useless; and thirdly, because it would offer a temptation to the United States to attack Canada. To what did these three reasons come? As to their deceiving the people of Canada, if that were a case of incurring an unnecessary responsibility, and if, by keeping their troops there, they incurred that responsibility, he should be inclined to agree with his right honorable friend. But could anybody say that what they did in this matter would affect their general responsibility for the defence of Canada if, unfortunately, a state of things arose in which they would be bound to help to fight her battle? Then, with regard to the presence of these troops being useless, he need only ask any honorable gentleman to look at the expressions of opinion on that subject which had ever been received from Canada, down to the present moment, and see whether the Canadians consider the presence even of a very moderate body of British soldiers to be useless. On the contrary, they had the authority of the Canadians themselves, who were the best judges of their own interest in that matter, and the authority also of their own officer, Colonel Jervois, in his report, that the presence of a moderate body of British soldiers would be of the greatest possible importance as a nucleus—the term was a sensible and appropriate one—for the purpose of encouraging and training the more irregular troops in a country like Canada. So far from agreeing with the right honorable member for Calne, Colonel Jervois recommended these fortifications for the very reason that in case of extremities—and in all these cases, however much they might deprecate that result, it was quite impossible to suppose they could send troops to Canada or anywhere else without running some risk of disaster—their regular force would be comparatively safe, and would become a nucleus around which the people would rally to repel aggression and preserve that connexion with the mother country which their loyalty, their interests, and their love of freedom alike made them desirous to maintain. [Hear, hear.] There could be no doubt that for the purpose of kindling the military spirit of a country like Canada, of setting an example and giving instructions to the comparatively irregular levies which formed the armies of the New World, those of the United States, he might say, as well as that of Canada—the presence of a moderate body of our regular soldiers, the finest, perhaps, in the whole world, would be of essential service. [Hear, hear.] At the present moment a most valuable process of training was going on among the Canadian militia which without the presence of these British troops would be quite impossible. Schools of military instruction at Quebec and Toronto had been in operation for several months, and others were about to be formed elsewhere, assisted by the officers of British regiments; and every week they were turning out young Canadian officers fit to take the command of the militia of their various districts. Indeed, he had not the least doubt that in a space of time which, perhaps, few gentlemen in that House would believe, on any serious alarm of danger, the Canadian militia would be turned into a force capable of giving a good account of any troops that were likely to be brought against them on the American continent. [Hear, hear.] The right honorable gentleman said, in the third place, that the presence of our regular troops would be nothing but a temptation to the Americans to make war in Canada for the sake of the honor and glory to be acquired by their defeat or capture. But was there no temptation on the other side of the account, supposing the right honorable gentleman's advice to be taken and every red-coat withdrawn from British North America? Were that advice followed to-morrow, would it be possible under those circumstances to convince the people either of Canada or of the United States that we were in earnest in our professed determination to defend the Canadians as long as they wished to remain part of our empire? It stood to reason that such a policy on the part of this country would be such a declaration of indifference as no fair words used in that House or elsewhere could outweigh; and that it would have its due effect on the minds both of the Americans and the Canadians it was impossible to doubt. On these grounds it seemed to him that, however logical his right honorable friend's arguments might appear, it would not be wise for this country to act upon his views. He was glad to think that the House, on the whole, agreed with the government in the moderate and reasonable measures of defence which they had decided to take for the purpose of meeting the exertions of the Canadian people. He heartily concurred with many of those who had spoken that night in deprecating exaggerated alarm on the subject of the immediate invasion of Canada by the United States on the conclusion of the civil war. [Hear, hear.] He thought that debate would prove useful if it tended to dissipate panic and check a state of feeling which seemed to be gaining ground in the country. And he would add that it appeared to him that the success of the federal power in reducing the south, if it were a success, was likely in itself, if there should be any danger of aggression from that quarter, to make that danger

far less. The north, even if successful, would, he thought, still have enough on its hands in controlling and governing its new subjects as they must be called. [Hear, hear.] And, more than that, their national pride would be naturally so well satisfied, the sources of disappointment, irritation, and passion so far removed, that if under any circumstances there were danger of any such insane conduct—an amount of folly and wickedness in which really one could hardly bring one's mind to believe—as that of a great country turning without cause, and to its own great loss, upon its neighbors, he believed that the success of the northern cause would make that danger much less. Anyhow her Majesty's government feltthat they had done their duty in seizing the occasion when it arose of meeting the loyal and manly wishes of the Canadian people to provide for their own defence; and with that view they recommended their proposition to the House. [Hear, hear.]

Sir F. SMITH said he thought that the House and the country were under a great obligation to his honorable friend the member for Horsham for the statement which he had made that evening. It would tend to dissipate the doubts of the public at home, and to reassure those Canadians who were anxious that the connexion with England should be maintained. From the speech of the right honorable gentleman, the secretary for the colonies, it would appear that the government had come to the determination to stand by Canada, but he should be glad to know what limit was to be put upon the assistance which we were prepared to afford her. It was that we should fortify Quebec, but that the defence of Montreal and Toronto, &c., was to be left to the Canadians themselves, while we, however, were to find the armament and, he supposed, the ammunition which would be required for all those fortresses. But before a vote for the defences of Canada was passed by that house honorable members ought, he thought, to be informed what the probable cost of those measures would be to the tax-payers of this country. [Hear, hear.] The report of Colonel Jervois said nothing of the force that would be necessary for the protection of the colony. He spoke, indeed, of 28,000 militia, and of a number of 400,000 and upwards, which might be called out, but those 400,000 men were, he apprehended, at the present moment, completely untrained. Were we, then, he would ask, blindly to enter upon the defence of Canada, with only such a programme as that which Colonel Jervois had furnished? Of the ability of that gallant officer he had a high opinion, but it should be borne in mind that the question at issue involved the protection of a large province, and he should under these circumstances have supposed that the government would, before taking any decided step in so grave a matter, have instructed Colonel Jervois to make a report to Sir F. Williams, the commander-in-chief in Canada, that he would have sent home that report with his opinion upon it, and that then it would have been submitted by his royal highness the commander-in-chief to the consideration of those most experienced officers Sir J. Burgoyne and the quartermaster-general. As it was, there were no means of judging what amount of British troops it would be necessary to keep in Canada with a view of aiding the colonists to defend themselves. It had been stated a few nights ago that the largest gun for service would cost £4,000, and if that were so, what, he should like to know, would be the probable cost of armament and ammunition if the assistance proposed were rendered. The army estimates would come on for discussion in a few nights, and he should then call upon the under-secretary for war to give the House some adequate information on the subject. He had no doubt that £150,000 would, according to the right honorable gentleman's statement, be expended next year.

Mr. CARDWELL explained that he did not say that £150,000 would be spent next year, but that the works would be almost completed next year, and that the larger part of the expenditure would take place in that period.

Sir F. SMITH said that if there was, as there might be, difficulty in finding labor in Canada, there were honorable members of that House who would send out men enough to complete the works very speedily. Either we must give up the idea of defending Canada, which he was not disposed to recommend, or we must execute the works at once. He fully concurred with those who said that the fortifications of at least Montreal and Quebec ought to be placed upon a respectable footing, but he did not believe that £200,000 would complete the works which were needed at Quebec. He should like to see a detailed estimate showing the nature of the proposed works. He understood that it was intended to lay out £50,000 upon earthworks.

Mr. CARDWELL said that what he had stated was, that the preparations for the permanent works would in themselves constitute a temporary defence.

Sir F. SMITH. That could only be the case if they were earthworks intended for the backing of permanent fortifications. What he desired was to see a determined resolution to act according to either one line of policy or the other. It would be derogatory to England to abandon Canada merely for the sake of pounds, shillings, and pence; but the House ought to have an estimate before it, so that honorable members might know what they were called upon to vote. If they were in earnest, money ought to be asked for in the present year for the armament of these forts, and at the same time a report ought to be obtained from the veterans of the army in this country as to the nature of the defence to be made in the field. If the Americans invaded Canada they would do it in earnest, with large numbers of artillery and cavalry, as well as infantry; and if we hoped to resist them with success we must meet them not merely with militia or volunteers, however gallant or well-trained, but with a force which, like their own, should include all arms of the service. He did not believe that we should

ever use these proposed works as refuges into which we might crowd our own soldiers, leaving the Canadians to their fate; but they were indispensably necessary in order that if severely worsted we might have the means of embarking our troops. He regretted that no money was asked for either for providing for the defence of the lakes or for providing communication, the establishment of which was equally essential. The government had gone either too far or not far enough. They ought to come boldly forward and state what sum they were likely to require, and let the House of Commons decide upon it. He did not believe that the war with the south would be brought to an early conclusion, but even if it should, the northern army would have to remain in the southern States for many years, and, therefore, for that among many reasons, he did not entertain any fear of an early invasion of Canada by the federals. A war with England was too serious a matter for the Americans to contemplate without terror and alarm.

Mr. WATKIN said that he could not corroborate the description given by the right honorable gentleman, the member for Calne of the defences of Quebec, nor could he admit that its fortifications were in so deplorable a condition as had been represented. He thought that it was a very strong place, and, although no doubt it contained a good deal of old ordnance, many Armstrong guns had recently been imported. The question came to this, Were we prepared to abandon and alienate from the British crown the vast expanse of territory lying between the Atlantic and Pacific oceans? [Hear, hear.] There was no half way house between cutting the painter—as the honorable gentleman near him was fond of suggesting in conversation—with regard to Canada, and cutting it with regard to all our North American colonies. [Hear, hear.] This was a question which affected not only Canada, but also Prince Edward's Island, New Brunsick, British Columbia, one of the most thriving and hopeful of British possessions, and all that vast intermediate district known as the Hudson Bay territory, which included fertile land enough to feed fifty millions of people. [Hear. hear.] If honorable gentlemen looked at the report presented by Mr. Ward to the House of Representatives upon the subject of the reciprocity treaty they would see what was the American idea of the nature and value of the British provinces. Their extent, their wonderful internal navigation, the richness of their minerals, the healthiness of the climate, and the vast extent of fertile soil which they contained were described in that document in terms which irresistibly suggested the idea that the people of the United States were disposed to cast a covetous eye upon these possessions of England. He did not believe that we were in any imminent danger of a war with America, but the way to prevent it was not to talk about severing the connexion with Canada, or withdrawing every British soldier from that country; but to say calmly and boldly that these vast American possessions were parts of the Great British empire, and that come weal or woe they would be defended. [Cheers.] If that was the language held, there would be no war with America. The only danger arose from the impression which was produced by the speeches in that house and elsewhere of gentlemen who, humanitarians as they were, could support a war which, in his opinion, had been a disgrace to civilization, and liberals as they were in ideas, thought that they could afford to separate from this home of liberty some of its most important possessions, because it pleased their economical theories to imagine that they could save a few thousands a year to the exchequer. [Hear, hear.] This was not a question of arithmetic; it was a question of the extent of the British empire. Some gentlemen might like to live in a small country. For his part, he should prefer to live all his life in a great one; and as a business must either continually grow bigger or else dwindle away to nothing, so he believed that a country must either be ever growing greater, or else it would become weaker and weaker until it might safely be despised. The government proposed to spend £50,000 this year on the fortifications of Quebec, but, in the first place, the vulnerable point was not Quebec, but Montreal; and secondly, £50,000 was mere playing with the question. We had gone on since 1817 with the lakes neutralized, so far as armament was concerned, in the internal navigation. The sound of a hostile shot had not been heard there during the fifty years the convention had been in operation. If they must fortify, they should do so efficiently; but was it not just possible they might find Brother Jonathan in a favorable mood, and render it unnecessary to fortify? Was it not possible that, instead of running a race of extravagance, the American government might say, if you don't choose to fortify on the Canadian we won't fortify on the American frontier? Let the government try and see if they could not find in that way a solution of this question which would undoubtedly involve a large annual charge on the exchequer of England. Notwithstanding all the expense and difficulty ocsasioned by the present war, the Americans were adding day by day to the strength of Fort Montgomery at the head of Lake Champlain, within forty miles of Montreal, till it now mounted two hundred guns. Montreal was the real key to Canada. That was the point of danger, and government would be warranted in saying to a friendly nation, "If you choose to have two hundred guns at Montgomery, within forty miles of Montreal, we must have two hundred and fifty guns close to Montreal." If the matter could be dealt with in that way expenditure might be avoided. He offered this suggestion very humbly to the government. Let them take one of two courses. Deal with the question firmly and effectively, stating, without offence, distinctly to America, as Canada was part of the British empire, we should defend it at all cost; or endeavor to get the United States government to adopt this alternative—to

let the American frontier, as regards fortifications, be neutralized by the Canadian frontier. [Hear, hear.]

Sir M. FARQUHAR was glad this question had been brought forward, and in a speech so moderate and temperate. He would follow the example of his honorable friend and avoid entering into the question between the confederates and the United States. They had now to consider the relations between this country and Canada. He must say he had read the letter of Colonel Jervois in *The Times*, for he had not seen it as a parliamentary paper, with surprise, and when he put a question regarding it to the right honorable gentleman opposite, the answer he received was that the contents of the report were perfectly well known in New York. But, having a good many friends connected with Canada, he could state that they too were exceedingly surprised at the report, because it placed before the whole world the difficulties of defending Canada. At first the Canadians had not taken that strong and decided line they ought to have done; they felt that while the contest between the Confederate States and the federals lasted there would be no necessity for them to come forward; but they had now shown by acts what their feeling was. Lord Monck, who had borne himself in a most admirable manner, had called the different provinces together to consider what line of conduct they should adopt, and the news which had arrived to-day showed that the confederation resolutions had been adopted by a majority of 45 to 15. The course which England would take depended on the line adopted by the Canadians themselves, and now they had shown that they wished by every means in their power to keep up the connexion this great country could not refuse to assist them without shocking every sense of propriety and every feeling of honor. He had heard it said that this country had really no great interest in Canada. But what were some of the investments in Canada? In railways the Grand Trunk represented a capital of £16,747,000; the Great Western of Canada, £5,262,589; the Northern, of Canada, £1,296,000; the Buffalo and Lake Huron, £1,477,860; the Welland, £345,667—in all £25,129,116. In banks, trust companies, and Canada land companies, £27,843,000. The public debt of Canada was nearly £16,000,000. In all, about £40,000,000. in which this country was more or less interested. He begged on this subject to quote an extract from the report of the British North American Association:

"Of the whole British colonial empire, British North America occupies a prominent place. It contains 4,000,000 square miles, and occupies one-third of the American continent. It is larger than all Europe or the federal and Confederate States together. Its population is about 4,000,000. The tonnage of its shipping enables it to rank seventh among the nations of the earth, and in the last decade its trade has more than quadrupled. Its exports and imports reach £27,000,000 a year, and the agricultural produce amounts to not less than £30,000,000 per annum. Its total revenues during the past year of 1864 are estimated at £3,000,000, and the expenses at £2,700,000. Its greatest length from the Atlantic frontier of Nova Scotia to the Pacific ocean at Vancouver's island is 3,000 miles, and its greatest breadth 1,600 miles."

The Canadians were ready to do everything they ought to do, and they would derive from the speeches made to-night the greatest satisfaction—from none more than from the short statement of the right honorable gentteman, summing up, in a few important words, that war with Canada was war with England. [Hear, hear.] But the right honorable gentleman had at the same time deprecated all irritating discussions, just as his right honorable friend below (Mr. Disraeli) had done, and his honorable friend who had brought forward this motion. Still danger was at hand, and it was the duty of a great nation to be prepared for it. He believed the reciprocity treaty to be of the utmost use to Canada as well as to this country, and referred to reports which confirmed his views, and which advised the American government not to act hastily in this matter, but rather to call a meeting to see if the treaty could not be maintained, and thereby nullify to a great extent that feeling of hostility which had arisen. He was glad that debate had taken place, as it would show the American government that that house was prepared to look with moderation upon all that had been said, however irritating the expressions made use of might have been towards this country, and to take into consideration the circumstances in which the United States were placed. The Canadians wished this country to state distinctly what it intended to do. Canada was proud to be connected with the old country, and so long as England did her duty by the Canadians they would stand by her to the last breath. [Hear, hear.]

Lord ELCHO said they had had of late years many important questions discussed in that house—Crimean and other wars; but that which involved the question of war between this country and America put all other subjects into the shade. He thoroughly joined with the members of the House as to the necessity of avoiding any bad feeling between these two great countries. The right honorable gentleman who opened the debate had set a bright example, which had been well followed. He heard the subject discussed in another place, but he did not like what he heard there, nor did he like what had been stated in the report of Colonel Jervois. He knew the intentions of the government, but his first impression was not favorable towards them; and after listening attentively to what had been said in that house, he thought the speech which had most practical common sense in it, and was most likely to command the attention of practical Englishmen, such as those assembled there, was the speech of the right honorable gentleman, the member for Calne, (Mr. Lowe.) He joined with all that had been said by gentlemen on the treasury bench as to the duties of the mother

country towards Canada, and if Canada were anxious to stand by England it was the duty of England to support that colony. The only question between his right honorable friend and the gentlemen on the treasury bench appeared to be as to the best mode of doing that. They must not allow America to choose her own ground. It would be impossible to defend Canada in the way suggested by government. Supposing these fortifications were erected, unless they had a sufficient number of men to command them and the population of Canada were thoroughly armed, they would be of no avail. This country could only send a small nucleus of men over there. The gallant officer who had been sent over to Canada to report said, "On the other hand, if the works now recommended be constructed, the vital points of the country could be defended, and the regular army would become a nucleus and support round which the people of Canada would rally to resist aggression." He wanted to know how they were to rally. At the present moment there only existed something like 20,000 trained men in Canada. The difficulty felt in Canada was similar to that felt in this country when endeavoring to raise a volunteer force in the rural districts. The people lived a considerable distance from each other, and were scattered over a large extent of country; it was, therefore, very difficult to get them together for training purposes. If they succeeded in training 50,000, or even 100,000 men, would such an army as that stand against the whole forces which the United States could bring against them? Supposing the army were driven into the fortifications, how was the rest of Canada to act against an overwhelming mass of troops? How were they to get by this nucleus sufficient trained men to repel such an enemy as they would have to cope with? They might say to Canada that they would give her a loan of say £500,000 for fortifications and sufficient men for the purpose of drilling the population, and when this work had been accomplished, and if war were unfortunately threatened, it would be a consideration whether England should not fight America on other as well as Canadian ground. It appeared to him that what the government proposed would be powerful to provoke war, but powerless to defend Canada. [Hear, hear.]

Mr. AYRTON said that the government had adopted what appeared to him to be a most extraordinary course. They might have come to the house, and, as in time of war, asked for a vote for the amount which they considered necessary for the defence of Canada, simply saying that the affairs of the province demanded the outlay, and taking, of course, the responsibility which would naturally attend such a demand. If the government possessed the entire confidence of the house the money might have been voted without any demur, and honorable members opposite would have had another opportunity of exhibiting that willingness to support the government in all kinds of expenditures which they had latterly continually displayed, and of inveighing against a small number of members on his side of the house who had endeavored to check the lavish expenditure of the present administration. ["No, no."] Such a course would have been intelligible, but it had not been adopted by the government, who might have come before the house in another way. They might have given a complete explanation of all the circumstances in connexion with the proposed expenditure, and thrown the responsibility upon the house. Instead, however, of doing either of those things, the government had thrown upon the table of the House the report of Colonel Jervois, and practically asked for a vote of money upon the faith of that report. That report was most unsatisfactory. It should have been one which would enable—he would not say a civilian, but a military man to form an opinion as to the necessity of the fortifications. Though making great pretensions, the report did not contain one word of real information. The scheme, in reality, embraced the defence of several hundred miles of frontier, including the fortification of Hamilton, Toronto, Kingston, Montreal, and Quebec. They ought, however, to be informed whether those towns were to be completely surrounded with fortifications, and whether the fortifications would be of such a character as to protect the towns from destruction in case of an attack upon the fortifications themselves. Above all, it was necessary for them to know the number of men that would be required for their defence. [Hear, hear.] It would be advisable, moreover, that the House should be made acquainted with the intentions of the government in regard to the erection or non-erection of barracks and bomb-proof accommodation within these fortifications for the protection of the garrison. Then, too, they ought to know how long a siege the fortresses were designed to maintain, because they knew that such works could not be regarded as impenetrable, and that their reduction was only a matter of time. It might be said that the matters he had referred to, being of a technical character, came purely within the province of a military man, but he believed that there was a point where technical art ended, and common sense began. ["Hear, hear," and a laugh.] A military man was no more competent than a civilian to decide upon the necessity of erecting fortifications, providing always that accurate technical information was placed before the latter. Several suggestions had fallen from honorable members with regard to the proper mode in which we should treat Canada, and he should not have ventured to touch upon the subject but for the unsatisfactory answer which the right honorable gentleman the secretary for the colonies had returned to the questions which had fallen from the honorable member for Bradford, (Mr. Forster.) The best way of protecting Canada was to preserve proper relations with the United States. [Hear, hear.] If we were prepared to break those relations upon the slightest ground, any speculation on the defence of Canada would be of no avail. The claims made by the American government and referred to by the honorable member for Bradford might, according to the suggestion of Mr. Adams, be submitted to ar-

bitration; at all events, he interpreted the despatch from that gentleman as containing such a suggestion. Having heard a good deal about arbitration being one of the chief principles adopted by her Majesty's government, he must confess that he felt surprised at the answer sent by Lord Russell to the temperate and legitimate despatch of the United States. [Hear, hear.] It was not for us to consider whether the claims made by the United States were founded on justice and right. It was sufficient for our purpose that we possessed the knowledge that a great power solemnly asserted its belief in the justice of those claims according to the principles of international law and of justice. It was the bounden duty of our government to enter into the negotiation, and fall in with the proposal as far as practicable. What, however, was the course adopted by Earl Russell? He wrote a despatch which to his (Mr. Ayrton's) mind was most unsatisfactory, and it could not be denied that the publication of that despatch was the cause of great irritation. He thought that some further explanation was due to the House. The answer of the secretary for the colonies substantially was that the question remained in the same state as when that document was written. But that state was one of irritation and annoyance on the part of the United States. The honorable member for Bradford must have expected some better answer—something to soften down that feeling of irritation. Had any steps been taken to meet the demands of the United States government? Those demands would be repeated, and must be repeated if the United States government had any regard for its own honor, and then what would be the position of this country? We had a demand preferred by the United States when in difficulties, accompanied by a suggestion of a reference to arbitration. The demand we had flung aside, but it would be repeated when the United States were as strong as they hoped to be. What would then be our position? We must do precisely that which we refused to do now. [Hear, hear.] We must do that or go to war; and where was the man who would stand up and say we ought to go to war after such a demand from the United States? Would it not be better for the country to look the question fairly in the face now, that the government should again take the subject into its consideration, and endeavor to put it into a train for adjustment? The government ought to give the House the fullest information; but he would prefer to hear from them that our relations with the United States were such as to induce a reasonable hope that they might be able to neutralize the great lakes and to render unnecessary the further prosecution of hostile discussions. [Hear, hear.]

Lord R. CECIL said that, although no doubt great advantages had arisen in recent times from the publication of their debates, yet it was impossible to listen to the discussion on the present occasion without feeling that that practice had its drawbacks. When one speaker rose after another and protested that he had not the faintest idea of the possibility of any rupture with the United States, he could not but feel that there was a contradiction between the fact of this debate and the sentiments so ostentatiously put forward, [hear, hear]—a contradiction not altogether flattering to our confidence in our own strength, and not likely to increase in the minds of the rest of the world a favorable opinion of that strength. We valued Gibraltar, but the House were not always discussing how we should protect it from Spain. We valued Malta, but the House were not always discussing how we could protect it from Italy. They were now discussing how to protect Canada from a nation that had the power to attack her, and it was believed would do so. He had heard from the honorable gentleman who last spoke, an opinion which caused him to feel with still greater force the drawback of having their debates reported to the public out-doors. The honorable gentleman had expressed in the strongest and broadest language that it was of very little use for us to defend Canada unless we could contrive to maintain peace with the United States. Of course, if we maintained peace with the United States it would be unnecessary to defend Canada. [Hear.] But he was sorry to hear the remarks of the honorable gentleman concerning the Alabama—remarks similar to those which had been made elsewhere in the course of the debate, and which might be misinterpreted on the other side of the Atlantic, as conveying the opinion and feeling of that house as to the policy of England. He was certain that England would never consent to extravagant demands which were, as had been repeatedly proved, contrary to international law. He wished also to protest against what appeared to him to be an exaggerated application of the principle of arbitration. When facts were in dispute it was well to call in an arbitrator, but when the dispute was not as to facts, but as to law—when great principles of international law were involved in which our adversary maintained one view and we another, to submit that difference to arbitration would be to hand over to the arbitrator the establishment of the principles of international law to which we should adhere for all future time. He did not think that international law could be framed upon those principles, and he believed that if any attempt were made to do so the parties who had appeared before the arbitrator would not submit to be bound by his decision. There was another ground upon which he regretted the course of this debate. It appeared to him that in discussing this question everything had been thought of but the interests of the people of Canada. Now, the people of Canada had a solid and real danger before them. What pressed most upon them was not the question of the British empire, not whether English honor should be maintained or not, but the question of their own lives, of their own homesteads, of their own prosperity, and they wished to learn from this debate whether England was prepared or not to back them up. [Hear, hear.] What answer had they received? The secretary of state made some generous and large spoken promises, destitute, as it seemed, of any very

definite value, but arguing most amiable intentions on the part of the right honorable gentleman. From the House at large every possible theory for the defence of Canada had been put forth. The honorable member for Stockport (Mr. Watkin) declared that this country was bound to defend the whole frontier of Canada. Another honorable member had told them that the British government was only bound to defend a few fortified points. The right honorable gentleman the member for Calne, (Mr. Lowe,) said that Canada would be best defended by our abandoning her altogether; ["Hear," and laughter;] and, if he understood the right honorable gentleman correctly, by defending the English empire somewhere else; so that if we massed a force to defend the Isle of Wight, we should thus be defending Canada. [Laughter.] Then came the honorable member for the Tower hamlets, who gave it as his opnion that the best way to defend Canada was never to quarrel with the United States. ["Hear," and a laugh.] But what the people of Canada desired to know was, supposing we did quarrel with the United States, what would happen to them? They knew that the House of Commons was the source of all political power, that it directed the policy of this country, and they would study the records of this debate with an anxious interest as men whose lives and interests were at stake. [Mr. Bright.—"Let us take care of ourselves."] The honorable member for Birmingham said the best course for this country would be to take care of ourselves. That was a fifth suggestion. What he desired to press upon the House was that ambiguity and uncertainty were in themselves more dangerous to the interests, more fatal to the honor of England, than any other course that could be adopted. [Hear, hear.] We were bound to let Canada know exactly what assistance she might expect to receive from us. If we told them that we intended to defend them by abandoning them, they might think that the best way to defend themselves would be to abandon us. [Hear, hear.] If we told them that they must pass a law giving the government power to call out a definite amount of force they would know what we required from them, and what they must do in order to get any aid from us. But as the matter now stood, judging from the speech of the secretary of state, we were going to defend Canada, not as we should defend Scotland, not as though it were a matter of vital interest to the empire, but with an admonition to Canada that her defence must rest mainly on herself. That was an indefinite liability contingent upon a perfectly indefinite condition. He feared that if that course were persisted in we should drift into a state of things not dissimilar to that which existed last year. Denmark and Canada were not strictly related, but the unhappy similarity of the policy of the government in regard to them brought them into close relation. Last year there were warnings of an approaching crisis—there was the same ambiguity, the same general professions of encouragement and of assistance, there was vague language leading the weaker power, whom we were encouraging, to risk her whole existence upon the faith of our support; but when the trial came we found it too much for our strength, we withdrew from our vague, ambiguous promises, and allowed the weaker power to rush on to her own destruction. England had suffered sufficiently in reputation from one experiment, and she could not afford to repeat it twice in two years. [Hear, hear.] If Canada trusted to the vague promises of the secretary of state, and allowed herself to be brought into a quarrel with the United States, which he agreed with the honorable member for Horsham would be a quarrel, not with Canada, but with England, the disastrous scenes of last year would be repeated. We should then see an army of 300,000 men on the frontier, and a nucleus, as it was called, of 10,000 men to oppose them, and 21,000 volunteers, and we should probably have given orders to build gunboats, which in course of time might find their way to the lakes. When we were face to face with the emergency we should endeavor to discover the exact amount of the obligations we had to Canada—what we had really promised. The secretary of state should turn to his speeches in *Hansard*, and would find that they were delightfully vague. We should look back to all our past discussions and despatches, and we should find that there was no definite promise which could be diplomatically enforced; and then we should, perhaps, persuade ourselves first that Canada was best defended by being abandoned, and then, that the best thing we could do for Canada was to leave her to the mild and paternal rule of the United States. [Hear, hear.] The member for Brighton seemed to look upon that as the best consummation, and he trusted that when that happened he would be an emigrant to Canada. [Laughter.] He entreated the House to consider this matter as one seriously affecting the honor of England. [Hear, hear.] We should make up our minds what we would do for Canada, and what we would not do; and, whatever we made up our minds to do, we should determine to do it thoroughly. Whatever we determined to do, let Canada know distinctly the conditions on which we were prepared to aid her, the extent to which we were prepared to go, and how far we regarded her as an integral portion of the empire. When we had made up our minds let it be recorded in some formal document, and then we should be able to look forward without fear to any change that the future might bring, and we should be prepared to do our duty as we had defined it ourselves, and to fulfil the pledges we had made. [Cheers.]

Mr. BRIGHT. I am not sure that I should have addressed the House on this occasion but for the remarks which have been made by the noble lord. I think he has been a little more frank in his declarations, and in pointing out the thing which I suspect is passing in his mind and in the minds of many honorable gentlemen who have made no statement of their opinions during this debate. I hope the debate will be useful, though I am obliged to say, while I admit the importance of the question brought before the House, that I think it is one of

some delicacy. Its importance is great, because it refers to the possibility of a war with the United States, and its delicacy arises from this, that it is difficult to discuss the question without saying things which tend rather in the direction of war than of peace. The difficulty now before us is that there is an extensive colony or dependency of this country adjacent to the United States, and if there be a war party in the United States—a party hostile to this country—that circumstance affords it a very strong temptation to enter without much hesitation into a war with England, because it feels that through Canada it can inflict a great humiliation on this country. At the same time, it is perfectly well known to all intelligent men, and especially to all statesmen and public men of the United States—it is as well known to them as it is to us—that there is no power whatever in this United Kingdom to defend successfully the territory of Canada against the United States. [Hear, hear.] We ought to know that in order to put ourselves right upon the question, and that we may not be called upon to talk folly and to act folly. The noble lord at the head of the government—or his government, at least—is responsible for having compelled this discussion; because if a vote is to be asked from the House of Commons—and it will only be the beginning of votes [hear, hear,]—it is clearly the duty of the House to bring the matter under discussion. [Hear, hear.] That is perfectly clear for many reasons, but especially since we have heard from the governor general of Canada that in the North American provinces they are about to call into existence a new nationality; and I, for one, should certainly object to the taxation of this country being expended needlessly on behalf of any nationality but our own. [Hear, hear.] What I should like to ask the House first of all is this: Will Canada attack the States? Certainly not. Next, will the States attack Canada, keeping England out of view altogether? Certainly not. There is not a man in the United States, probably, whose voice or opinion would have the smallest influence, who would recommend or desire that an attack should be made by the United States on Canada with the view of its forcible annexation to the Union. [Hear, hear.] There have been dangers, as we know, on the frontier lately. The Canadian people have been no wiser than some members of this House, or a great many men among the richer classes in this country. When the refugees from the south—I am not speaking of the respectable, honorable men from the south, many of whom have left that country during their troubles, and for whom I feel the greatest commiseration; but I mean the ruffians from the south, of whom large numbers have entered Canada, and who have employed themselves there in a course of policy likely to embroil us with the United States—when they entered Canada the Canadians treated them with far too much consideration. They expressed very openly opinions hostile to the United States, whose power lay close to them. I will not go into details with which we are all acquainted—the seizing of American ships on the lakes, the raid into the State of Vermont, the robbery of a bank, the killing of a man in his own shop, the stealing of horses in open day, nor the transaction, of which there is strong proof, that men of this class conspired to set fire to the greatest cities of the Union. All these things have taken place, and the Canadian government made scarcely any sign. I believe an application was made to the noble lord at the head of the Foreign Office a year ago to stimulate the Canadian government to take some steps to avoid the dangers which have since arisen; but with that sort of negligence which has been seen so much here, nothing was done until the American government, roused by these transactions, showed that they were no longer going to put up with them. Then the Canadian government and people took a little notice. I have heard a good many people complain of Lord Monck's appointment; that he was a follower of the noble lord who had lost his election, and therefore must be sent out to govern a province, (a laugh;) but I will say of him that from all I have heard from Canada he has conducted himself there in a manner very serviceable to the colony, and with the greatest possible propriety as representing the sovereign. He was all along favorable to the United States; his cabinet, I believe, has always been favorable, and I know that at least the most important newspaper there has always been favorable to the north. But still nothing was done until these troubles began, and then everything was done. Volunteers were sent to the frontier, the trial of the raiders was proceeded with, and probably they may be surrendered; and the Canadian chancellor of the exchequer has proposed a vote in the new parliament to restore to the persons at St. Alban's who were robbed the $50,000 which were taken from them. What is the state of things now? There is the greatest possible calm on the frontier. The United States have not a syllable to say against Canada. The Canadian people found they were wrong; they have now returned to their right minds, and there is not a man in Canada at this moment, I believe, who has any kind of idea that the United States government has the smallest notion of attacking them, now or at any future time, on account of anything which has transpired between Canada and the United States. If there comes a war in which Canada may be made a victim, it will be a war got up between the government of Washington and the government in London, and it becomes us to inquire whether that is at all probable. Is there anybody in the House in favor of such a war? I notice with the greatest delight a change which I said would some day come; and I was not a false prophet, in the line taken here with regard to the American question. [Hear, hear.] Even the noble lord the member for Stamford, spoke to-night without anger, and without any of that ill-feeling which, I am sorry to say, on previous occasions he has manifested in discussing this question. I hope there is no man out of Bedlam, or, at least, who ought to be out [laughter,]—nay, I suspect there are few men in Bedlam, who are in favor of our go-

ing to war with the United States. [Hear, hear.] In taking this view I am not arguing that we regard the vast naval and military power and the apparently boundless resources of that country. I will assume that you, my countrymen, have come to the conclusion that it is better for us not to make war with the United States, not because they are strong, but on the higher ground that we are against wars. Our history for the last two hundred years and more has recorded sufficient calamitous and, for the most part, unnecessary wars. We have had enough of whatever a nation can gain from military success and glory. I will not speak of the disasters which might follow to our commerce, and the widespread ruin that might be caused by a war. We are a wiser and better people than we were in this respect, and we should regard a war with the United States as even a greater crime, if needlessly entered into, than a war with almost any other nation in the world. Well, then, as to our government, with a great many blunders, one or two of which I shall comment on by-and-by, they have preserved neutrality during this great struggle. We have had it stated in the House, that there has been in the House a motion that the blockade was ineffectual and ought to be broken. Bad men of various classes, and, perhaps, agents of the Richmond conspiracy, and persons, it is said, of influence from France—all these are stated to have brought pressure to bear on the noble lord and his colleagues with the view of inducing them to take part in this quarrel, but all this has failed to break our neutrality. Therefore, I say, we may very fairly come to the conclusion that England is not for war. If anything arises on any act of aggression out of which Canada might suffer, I believe the fault is not with this country. [Hear, hear.] That is a matter which gives me great satisfaction; and I believe the House will agree with me that I am not misstating the case. But, let me ask, Are the United States for war; because, after all, I know the noble lord the member for Stamford has a lurking idea that there is some danger from that quarter, and I am afraid the same feeling prevails in minds not so acute as that which the noble lord possesses. [A laugh.] Now, if we could have at the bar of the House Earl Russell, as representing her Majesty's government, and Mr. Adams, as representing the government of President Lincoln, and ask them their opinions I think they would tell us what the secretary of colonies has told us to-night—that the relations between those governments are peaceable; and I know from the communications between the minister of the United States and our minister for foreign affairs that our relations with the United States are perfectly amicable, and have been growing more and more amicable for many months past. [Hear.] And I will take the liberty of expressing this opinion, that there has never been an administration in the United States since the time of the revolutionary war up to this hour more entirely favorable to peace with all foreign countries, and more especially favorable to peace with this country, than the government of which President Lincoln is the head. [Hear, hear.] I will undertake to say that the most exact investigator of what has taken place will be unable to point to a single word he, President Lincoln, has said, or a single line he has written, or a single act he has done since his first accession to power, that betrays that anger or passion or ill-feeling towards this country which some people here imagine influences the breasts of his cabinet. If, then, Canada is not for war, if England is not for war, if the United States are not for war, whence is the war to come? [Hear, hear.] I should like to ask—I wish the noble lord, the member for Stamford, had been a little more frank—whence comes that anxiety which to some extent prevails? It may even be assumed that the government are not free from it, though they have shown it in the ridiculous form of proposing a vote of £50,000. [A laugh, and "Hear, hear."] It is said that the newspapers have got into a sort of panic. Well, they can do that every night between twelve and six, when they write these articles; they can be very courageous or very panic-stricken. [Laughter.] It is said that the "City"—we know what the "City" means; the right honorable gentleman alluded to it to-night: they are persons who deal in shares, though that does not describe the whole of them—it is said that what they call "the money interests" are alarmed. Well, I never knew the City to be right. [Much laughter.] Men who are deep in great monetary transactions, and steeped to the lips sometimes in perilous speculations, they are not able to take a broad, dispassionate view of questions of this nature; and as to the newspapers, I agree with my honorable friend, the member for Bradford, who, referring to one of them in particular, said the course it took indicated its wishes to cover its own confusion. Surely, after four years of uninterrupted publication of lies with regard to America, it has done much to destroy its influence in foreign questions forever. I must now mention a much higher authority, the authority of the Peers. I don't know why we should be so much restricted here with regard to the House of Lords. I think this House must have observed that the other house is not always so squeamish in what they say about us. [A laugh, and "hear."] It appeared to me that in this debate the right honorable gentleman (Mr. Disraeli) felt it necessary to get up and endeavor to excuse his chief. Now, if I were to give advice to the honorable gentleman opposite, it would be this—for while stating that during the last four years many noble lords in the other house have said foolish things, I think I should be uncandid if I did not say that you also have said foolish things—learn from the example set you by the right honorable gentleman. He, with a thoughtfulness and statesmanship which you do not all acknowledge, he did not say a word from that bench likely to create difficulty with the United States. [Hear.] I think his chief and his followers might learn something from his example. [Hear.] Not long ago, I think, a panic was raised by what was said in another place about France; and now an attempt is

made there to create a panic on this question. In the reform club there is fixed to the wall a paper giving a telegraphic account of what is done in this House every night, and also of what is done in the other house; and I find that the only words required to describe what is done in the other house are the words, "lords adjourned." (Laughter.) The noble lord at the head of the government is responsible for that. He has brought this House to very nearly the same condition; because we do very little, and they absolutely nothing. (Renewed laughter.) All of us, no doubt, in our young days were taught a verse intended to inculcate virtue and industry, a couplet of which runs thus.

"For Satan still some mischief finds
"For idle hands to do."

[Laughter and cheers.] I don't believe that many here are afflicted with any disease arising from a course of continued idleness; but I should like to ask the House, in a more serious mood, what is the reason that any man in this country has now any more anxiety with regard to the preservation of peace with the United States than he had five years ago? Is there not a consciousness in your heart of hearts that you have not behaved generously towards your neighbor? [Loud cries of "No!" and some cries of "Hear, hear."] Do we not feel in some way or other a reproving of conscience? [Renewed cries of "No!"] And in ourselves are we not sensible of this, that conscience tends to make us cowards at this particular juncture? ["No, no!"] Well, I shall not revive past transactions with anger, but with a feeling of sorrow, for I maintain, and I think history will bear out what I say, that there is no generous and high-minded Englishman who can look back on the transactions of the last four years without a feeling of sorrow at the course that we have pursued in some particulars; and as I am anxious to speak with the view to a better state of feeling both in this country and the United States, I shall take the liberty, if the House will allow me, for a few minutes to refer to two or three of those transactions, regarding which, though not in the main greatly wrong, in some circumstances we were so unfortunate as to create the irritation that at this moment we wish did not exist. The honorable member for Horsham referred to the course taken by the government with regard to acknowledging the belligerent rights of the south. Now, I have never been one to condemn the government for acknowledging the south as belligerents then except on this ground. I think it might be logically contended that it might possibly become necessary to take that step, but I think the time and the manner of the act were most unfortunate, and could not but have produced very evil effects. Why, going back four years ago, we recollect what occurred when the news arrived here of the first shot fired at Fort Sumter. I think that was about the 4th of April, and immediately after it was announced that a new minister was coming from the United States to this country. Mr. Dallas had represented, that as he did not represent the new government nor the new President, he would rather not undertake anything of importance. It was announced that his successor had left New York on a certain day; and we know that when we have the date of a departure from New York for this country we can calculate the time of arrival here to within twelve hours. Mr. Adams arrived in London on the 13th of May, and when he opened his newspaper the next morning he found it contained the proclamation of neutrality, and the acknowledgment of the belligerent rights of the south. In my opinion the proper course would have been to have waited until Mr. Adams arrived, and to have discussed the matter with him in a friendly manner, when an explanation might have been given of the grounds upon which the English government felt themselves bound to issue it. But everything was done in an unfriendly manner, and the effect was to afford great comfort at Richmond, and generally to grieve those people of America who were most anxious for the continuance of the friendly and amicable relations between that country and England. To illustrate the point, allow me to suppose that a great revolt having taken place in Ireland, and we within a fortnight after the outbreak sent over a new minister to the United States, and that on the morning of his arrival he found that government had, without consulting him, taken such a hasty step as to acknowledge the belligerent rights of the Irish. I ask whether, under such circumstances, a feeling of irritation would not have been expressed by every man in Great Britain. [Hear, hear.] I will not argue this question further, as to do so would be simply to depreciate the intellect of the honorable gentlemen listening to me. [Hear, hear.] But seven or eight months after that event another transaction, of a very different and of a very unfortunate nature, took place—namely, that which arose out of the seizure of the two southern envoys on board an English ship called the Trent. I recollect at that time making a speech at Rochdale entirely in favor of the United States government and people, but I did not then, nor do I now, attempt to defend the seizure of those persons. I said that, although precedents for such an action might possibly be found to have occurred in what I may call the evil days of our history, they were totally opposed to the maxims of the United States government, and that it was most undoubtedly a bad act. I do not complain of the demand that the men should be given up. I only complain of the manner in which the demand was made and the menaces by which it was accompanied. I think it was absurd and wrong, and was not statesman-like, when there was not the least foundation for supposing the United States government were aware of the act, or had in the slightest degree sanctioned it, immediately to get ships ready, and to make other offensive preparations, and to allow the press, who are always ready, to inflame the passions of the

people to frenzy—to prepare their minds for war. That was not the whole of the transaction, however; for the United States, before they heard a word from this country on the subject, sent a despatch to Mr. Adams, which was shown to our government, stating that the act had not been done by their orders—that it was a pure accident, and that they should regard the matter with the most friendly disposition towards this country. How came it that this despatch was never published for the information of the people of this country? How came it that the flame of war was fanned by the newspapers supposed to be devoted to the government, and that one of them said to be peculiarly devoted to the prime minister had the audacity—I know not whence it obtained its instructions—flatly and emphatically to deny that such a despatch had ever been received? [Hear, hear.] How is it possible to maintain amicable relations with any great country, or even with any small one [hear, and laughter,] unless the government will manage these transactions in what I may call a more courteous and a more honorable manner? [Hear.] I received a letter from a most eminent gentleman resident in the United States, dated only two days before the southern envoys were given up, in which he stated that the real difficulty encountered by the President in the matter was that the menaces of the English government had made it almost impossible for him to concede the point, and he asked whether the English government was intending to seek a cause of quarrel or not. I am sure that the noble lord at the head of the government would himself feel more disposed to yield, and would find it more easy to grant a demand of the kind if made in a courteous and friendly manner than if accompanied by manners such as this government had offered to that of the United States. The House will observe that I am not condemning the government of this country on the main point, but that I am complaining merely because they did not do what they had to do in that manner which was most likely to remove difficulties, and to preserve a friendly feeling between the two nations. The last point to which I shall direct your attention is with respect to the ships which have been sent out to prey upon the commerce of the United States, and in doing so I shall confine myself to the Alabama. This vessel was built in this country, all her munitions of war were obtained from this country, and almost every man on board was a subject of the Queen. She sailed from one of our chief ports, and she was built by a firm in which a member of this House was, and I presume is still, interested. I don't complain now, neither did I two years ago, when the matter was brought before the House by the honorable member for Bradford,, that the member for Birkenhead struck up a friendship with Captain Semmes, who, perhaps, in the words applied to another person under somewhat similar circumstances, "was the mildest-mannered man that ever scuttled ship." [Hear, and aughter.] I don't complain, and I have never done so, that the member for Birkenhead looks admiringly upon what has been called the greatest example that man has ever seen of the greatest crime that man has ever committed. [Hear, hear, and loud laughter.] And I should not complain even had he entered into that gigantic traffic in flesh and blood which no subject of this realm can enter into without being deemed a felon in the eyes of our law and punished as such; but what I do complain of is that a magistrate of a county, a deputy-lieutenant, whatever that may be, (laughter,) and a representative of a constituency of the country, having sat in this ancient and honorable assembly, did, as I believe he did with regard to this ship, break the laws of this country, drive us into an infraction of international law, and treat with undeserved disrespect the proclamation of neutrality of the Queen. [Hear, hear, and cries of no, no.] But I have another cause of complaint, though not against the honorable gentleman this time, for, he having on a previous occasion declared that he would rather be the builder of a dozen Alabamas than do something which nobody else had done, [cheers and laughter,] his language was received with repeated cheers from the other side of the House. [Hear, hear.] I think that that was a very unfortunate circumstance, and I beg to tell honorable gentlemen that at the end of last session, when there was a great debate on the Denmark question, there were many men on this side of the House who had no objection whatever to see the present government turned out of office, for they had many grounds of complaint against them, but they felt it impossible to take upon themselves the responsibility of bringing into office and power a party who could cheer such sentiments. [Loud cheers and laughter.] But turning from the honorable member for Birkenhead to the noble lord at the head of the Foreign Office, he who, in the case of the acknowledgment of belligerent rights, had proceeded with such remarkable celerity, amply compensated for it by the slowness which he displayed in the case of the Alabama. [Hear, and laughter.] And another curious thing, which even the noble lord's colleagues have never been able to explain, is, that although he sent after the Alabama to Cork to stop her, notwithstanding she had gone out of our jurisdiction, still she was permitted subsequently to go into a dozen or a score of ports belonging to this country in various parts of the world. Now, it seems to me that this is rather a special instance of that feebleness of purpose on the part of the noble lord which has done much to mar what would otherwise have been a great political career. [Cheers and laughter.] Well, then, the honorable member for Birkenhead, or his firm, or his family, or whoever it is that does these things [laughter,] after having seen the peril into which the country was drifting on account of the Alabama, proceeded at once to build the two rams, and it was only at the very last moment, when we were on the eve of a war with the United States, that the government had the courage to seize these vessels. There are ship-owners here, and I ask them what would be the feelings of the people of this

country if they had suffered as the ship-owners of America have suffered? As a rule, all their ships have been driven from the ocean. Mr. Lowe, an influential ship-owner of New York, has had three very large ships destroyed by the Alabama. The George Griswold, a ship of 2,000 tons, that came to this country with a heavy cargo of provisions of various kinds for the suffering people of Lancashire, that very ship was destroyed on her return passage, and the ship that destroyed her may have been, and, I believe, was built by these patriotic ship-builders of Birkenhead. [Hear, hear.] Well, sir, these are things to rankle in the breast of the country that is subjected to these losses and indignities. To-day you may see by the papers that one vessel has destroyed between twelve and thirteen ships between the Cape of Good Hope and Australia. If I had, as some honorable members have done, thought it necessary to bring American questions before this House three or four times during the session, and I should have asked questions about these ships—but no! You who were in favor of the disruption of the States do not ask questions of this kind, but refer to other points that may embarrass the government or make their difficulties greater with the United States. But the members of the government itself have not been very wise, and I shall not be thought unnecessarily critical if I say that governments generally are not very wise. [A laugh.] Two years ago in that very debate the noble lord at the head of the government and the attorney general addressed the House. I besought the noble lord—and I do not ask favors from him very often—only to speak for five minutes words of generosity and sympathy for the government and people of the United States. He did not do it, and perhaps it was foolish to expect it. The attorney general made a most able speech, but it was the only time I ever listened to him with pain, for I thought his speech full of bad morals and bad law [a laugh;] and I am quite certain that he gave an account of the facts which was not so ingenuous or fair as the House had a right to expect at his hands. Next session the noble lord and the attorney general turned right round and had a different story to tell, and as the aspect of things changed on the other side they gradually returned to good sense and fairness. They were not the only members of the government who have spoken on this subject. The noble lord the secretary of state for foreign affairs, and the chancellor of the exchequer, have also made speeches. Every one will feel that I would not willingly say a word against either of them, because I do not know among the official statesmen of this country two men for whom I feel greater sympathy or more respect. But I have to complain of them that they should both go to Newcastle, a town in which I feel great interest, and there give forth their words of offense and unwisdom. [A laugh.] The noble lord we all know very well can say very good and very smart things, but I regret to say that what he said was not true, and I, for one, have not much respect for things that are smart but not true. The chancellor of the exchequer appeared from the papers to have spoken in a tone of exultation, and to have made a speech which I undertake to say he wishes he had never made. [Hear, hear.] But the House must bear in mind that these gentlemen are set on a hill. They are not obscure men, making speeches in a public house or in some mechanics' institute, but they are men whose voices are heard wherever the English language is known; and, knowing what effect their eloquence produced in Lancashire—how they affected prices, and the profits and losses of every one, and changed the course of business, I can form an idea of the irritation that these speeches caused in the United States. Then, I must refer to the unwise abuse of the learned gentleman, the member for Sheffield, and I may add to that the unsleeping ill-will of the noble lord the member for Stamford. [A laugh.] I am not sure that either of them is converted, for I thought I heard something from the honorable and learned member that shows he retains his sentiments. [Mr. Roebuck—"Exactly."] [A laugh.] I hope that these things are regretted and repented, and that any one who is thus ungenerous to the United States and the people of that country will never fall into trouble of any kind. But if you do you will find your countrymen are more generous to you than you have been to the people of the United States. [Hear, hear.] And now as to the press. [A laugh.] I think it unnecessary to say much about that, because now every night these unfortunate writers are endeavoring to back out of everything they have been saying. [A laugh.] I only hope that their power for evil in future will be greatly lessened by the stupendous exhibition of ignorance and folly that they have made to the world. [Laughter and "Hear, hear."] Having made this statement, I must expect that if the noble lord, the member for Stamford could get up again he would say, if all this be true, and if these speeches created all this irritation in the United States, is there no reason to fear that this irritation will provoke a desire for vengeance, and that the chances of war will be increased by it? I say that war from such a course is to the last degree improbable. There has been another side to this expression of opinion. All England is not included in the rather general condemnation I have thought it my duty to express. [A laugh.] What have the millions been saying and doing?—those whom you have been so very much afraid of, especially the noble lord the member for Stamford, who objects to the transfer of power into their hands. [Hear.] I beg leave to tell the House that, taking the counties of Lancaster and York, your two greatest counties, there are millions of men there who, by their industry, not only have created, but sustain the fabric of our national power, who have had no kind of sympathy with the men whom I am condemning. They are more generous and wise. They have shown that magnanimity and love of freedom are not extinct among us. I speak of the county from which I come—a county of many sorrows that have hung like a dark cloud over almost every home during the last three years. In

the country all attempts of the agents of the confederacy, by money, by printing, by platform speaking, and by agitation, have utterly failed to elicit any expression of sympathy with the American insurrection [hear, hear;] and if the bond of union and friendship between England and the United States remains unbroken, we have not to thank the wealthy and the cultivated, but the laborious millions whom statesmen and historians too frequently make little account of. They know something of the United States that the honorable gentleman opposite and some on this side of the House do not know—that every man of them would be welcome on the American continent if they chose to go there; that every right and privilege which the greatest and highest in that country enjoy would be theirs, and that every man would have given to him by the United States a free gift of one hundred and sixty acres of the most fertile land in the world. [A laugh.] Honorable gentlemen may laugh, but that is a good deal to a man who has no land, and I can assure them that this homestead act has a great effect on the population of the north of England. I can tell them, too, that the laboring population of these counties, the artisans, and the mechanics, will give you no encouragement to any policy that is intended to estrange the people of the United States from the people of the United Kingdom. [Hear.] But, sir, we have other securities for peace not less than these, and I find them in the character of the government and people of the American Union. [Hear, hear.] Now, I think the right honorable gentleman, the member for Bucks, referred to what might reasonably be supposed to happen in case the rebellion was suppressed. He did not think when a nation was exhausted that it would rush rashly into a new struggle. The loss of life has been great, the loss of treasure enormous. Happily for them it was not to keep a Bourbon on the throne of France or to keep the Turks in Europe. [Hear, hear.] It was for an object which every man can comprehend who examines it by the light of his own intelligence and his own conscience; and if men have given their lives and possessions for the attainment of the great end of maintaining the integrity and unity of a great country, the history of the future must be written in a different spirit from the history of the past, if she expresses any condemnation of that temper. [Hear, hear.] But Mr. Lincoln is President of the United States—President now for the second term: he was elected exclusively at first by what was termed the republican party, and he has been elected now by what may be called the great Union party of the nation. But Mr. Lincoln's party has always been for peace. [Hear, hear.] That party in the north has never carried on any war of aggression, and has never desired one. Now, speaking only of the north—of the free States—let the House remember that landed property, and, indeed, property of all kinds, is more universally diffused there than in any other nation, and that instruction and school education are also more widely diffused. Well, I say they have never hitherto carried on a war for aggression or for vengeance, and I believe that they will not begin one now. Canada, indeed, is a tempting bait. ["Hear," from Lord R. Cecil.] The noble lord agrees in that—it is a very tempting bait, not for purposes of annexation, but of humiliating this country. [Hear, hear.] I agree with honorable gentlemen who have said that it would be discreditable to England in the light of her past history that she should leave any portion of her empire undefended which she could defend. [Hear, hear.] But still it is admitted—and I think the speech of the right honorable gentleman, the member for Calne, produced a great effect upon those who heard it [hear, hear]—that once at war with the United States for any cause, Canada cannot be defended by any power on land or at sea which this country could raise or spare for that purpose. [Hear, hear.] I am very sorry, not that we cannot defend Canada understand, [a laugh,] but that any portion of the dominions of the British Crown is in such circumstances that it might tempt an evil-disposed people to attack it with a view to humiliate us, because I believe that transactions which humiliate a government and a nation are not only discreditable, but do great national harm. Is there a war party, then, in America? I believe there is, and it is the same party which was a war party eighty years ago. It is the party represented by a number of gentlemen who sit on that bench, and by some who sit here. [A laugh.] They, sir, in the United States who are hostile to this country are those who were recently the malcontent subjects of the right honorable gentleman, the member for Tamworth. [Laughter.] They are those, and such as those, to whom the noble lord at the head of the government offers consolation, only in such a shape as this, when he tells them that the rights of the tenant are the wrongs of the landlord. [Hear, hear.] Sir, that is the only war party in the United States, and it was a war party in the days of Lord North. But the real power of the United States does not reside in that class. You talk of American mobs. Excepting some portion of the population of New York—and I would not apply the word even to them—such things as mobs in the United States for the sake of forcing either Congress or the Executive to a particular course of action are altogether unknown. The real mob, in your sense, is that party of chivalrous gentlemen in the south who have received, I am sorry to say, so much sympathy from some persons in this country and in this house. But the real power is in the hands of another class—the land-owners throughout the country, and there are millions of them. Why, in this last election for the presidency of the United States, I was told by a citizen of New York, who took a most active part in the election, that in that State alone 100,000 Irish votes were given "solidly," as it is called, for General McClellan, and that not more than 2,000 were given for President Lincoln. You see the preponderance of that party in the city of New York, and its vast influence in the State of New York; but throughout the whole of the United States they form but a very small percentage,

which has no sensible effect upon the legislation of Congress or the constitution of the government. My honorable friend, the member for Bradford, referred to a point which, I suppose, has really been the cause of this debate, and that was the temper of the United States in making some demands upon our government. Well, I asked a question the other evening, after one that had been put by the noble lord [Lord R. Cecil,] whether we had not claims upon them. I understand the claims made by the United States may amount to £300,000 or £400,000, and probably the sum of our claims may amount to as much as that. But if any man has a right to go to law with another, he is obliged to go into court and the case must be heard before the proper tribunal. And why should it not be so between two great nations and two free governments? If one has claims against the other, the other has claims against it, and nothing can be more fair than that those claims should be courteously and honestly considered. It is quite absurd to suppose that the English government and the government at Washington could have a question about half a million of money which they could not settle. I think the noble lord considers it a question of honor. [Hear.] But all questions of property are questions of law, and you go to a lawyer to settle them. Assuredly, this would be a fit case for the senate of Hamburg, just as much as the case between this country and Brazil. Well, then, I rest in the most perfect security that as the war in America draws to a close, if happily we shall become more generous to them, they will become less irritated against us, and when passions have cooled down, I don't see why Lord Russell and Mr. Seward, Mr. Adams and, I hope, Sir F. Bruce, should not be able to settle these matters between the two nations. [Hear.] I have only one more observation to make. I apprehend that the root of all the unfortunate circumstances that have arisen is in a feeling of jealousy which we have cherished with regard to the American Union. It was very much shown at the beginning of this war when an honorable member whom I will not name, for he would not like it now, [a laugh,] spoke of "the bursting of the bubble republic." Well, I recollect that Lord J. Russell, as he then was, turned round and rebuked him in language worthy of his name, character, and position. [Hear, hear.] I beg to tell that gentleman and any one else that talks about bubble republics that I have a great suspicion that a great many bubbles will burst before that bubble bursts. [Hear, hear, and laughter.] Why should we fear a great nation on the American continent? Some fear that a great nation would be arrogant and aggressive. But that does not at all follow. It does not depend altogether upon the size of a nation, but upon its qualities, and upon the intelligence, instruction, and morals of its people. You fancy that the supremacy of the sea will pass away from you, and the noble lord, though wiser than many others, will lament that "Rule Britannia," that noble old song, should become antiquated at last. Well, but if the supremacy of the sea excites the arrogance of this country the sooner it becomes obsolete the better. I don't believe it to be for the advantage of this country or of any other that any one nation should pride itself on what it terms the supremacy of the sea, and I hope the time is come—and I believe it is—when we shall find that law and justice shall guide the councils and direct the policy of the Christian nations of the world. [Hear.] Now, nature will not be baffled because we are jealous of the United States. The laws of nature will not be overthrown. At this moment the population of the United States is not less than 35,000,000 souls If the next Parliament live to the age of the present, the population of the United States will be 40,000,000, and you may calculate that the rate of increase will be at rather more than a million per year. Who is to gainsay this; who is to contradict it? Will constant snarling at a great republic alter the state of things, or swell us islanders to 40,000,000 or 50,000,000, and bring them down to 20,000,000 or 30,000,000? Honorable members should consider these facts, and should learn from them that it is the interest of this nation to be one in perfect courtesy and perfect amity with the English nation on the other side of the Atlantic. [Hear, hear.] I am certain that the longer the nation exists the less will our people be disposed to sustain you in any needless hostility against them or in any jealousy of them; and I am the more convinced of this from what I have seen of their conduct in the north of England during the last four years. [Hear, hear.] I believe, on the other hand, that the American people when this excitement is over will be willing, so far as regards any aggressive acts against us, to bury in oblivion transactions which have given them much pain, and they will probably make an allowance which they may fairly make—that the people of this country, even those high in rank and distinguished in culture, have had a very inadequate knowledge of the transactions which have really taken place in that country since the beginning of the war. Now, it is on record that when the author of *The Decline and Fall of the Roman Empire* was about beginning his great work David Hume wrote a letter to him, urging him not to employ the French but the English tongue, because, he said, "our establishments in America promise a superior stability and duration to the English language." How far the promise has been in part fulfilled we who are living now can tell. But how far it will be more largely and more completely fulfilled in after times we will leave for after times to tell. I believe, however, that in the centuries which are to come it will be the greatest pride and the highest renown of England that from her loins have sprung a hundred—it may be two hundred—millions of men to dwell and to prosper on the continent which the old Genoese gave to Europe. [Cheers.] Now, sir, if the sentiment which I have heard to-night shall become the sentiment of the Parliament and people of the United Kingdom, and if the moderation which I have described shall mark the course of the

government and people of the United States, then, notwithstanding some present irritation and some fresh distrust—and I have faith, mind, both in us and in them—I believe that these two great commonwealths may march on abreast, parents and guardians of freedom and justice wheresoever their language shall be spoken and their power shall extend. [Cheers.]

Mr. WALPOLE rose, but gave way to

VISCOUNT PALMERSTON, who said. However long this discussion may have been, I, for one, cannot regret that it has taken place; for by the majority of members in this house two opinions have been expressed which cannot fail to be useful in the quarters to which they relate. The first opinion is that which has been peculiarly dwelt upon by the honorable member who has just sat down, namely, an earnest desire that the most friendly relations should be maintained between Great Britain and the United States of America: and next, the opinion that we should maintain the connexion which exists between this country and our provinces on the North American continent so long as the people of those provinces are desirous of maintaining their connexion with the mother country. [Hear, hear.] The honorable member who has just spoken has made what in one respect may appear a paradoxical, but what, I think, as human nature is constituted, was a very conciliatory speech towards the United States. Though he reviewed a long course of events to prove that the United States have been most grievously ill treated by this country—I don't agree with him in any one of these points—[hear, hear]—it is no doubt a part of human nature that you cannot please any man or any set of men better than by telling them they have been exceedingly ill used. ["Hear," and a laugh.] I won't follow the honorable member when he complains that we admitted the belligerent rights of the south—an admission which was the result of necessity and not of choice; I will not follow him into the discussion of the Trent question, which I thought had been fully disposed of. and into the questions which have arisen between the government, or rather, I should say, the people of some parts of Canada and the United States, because, as he admitted himself, the conduct of the Canadian government has been such as to be acknowledged gratefully by the government of the United States as a full and complete fulfilment of the duties of friendly neighborhood. [Hear, hear.] The honorable gentleman says there exists in this country a jealousy of the United States. Sir, I utterly deny that assertion. [Cheers.] We feel no jealousy of the United States. On the contrary, I am sure that every Englishman must feel proud at seeing upon the other side of the Atlantic a community sprung from the same ancestry as ourselves, rising in the scale of civilization, and attaining every degree of prosperity—aye, and of power, as well as wealth. [Hear, hear.] I therefore entirely deny that there has been in this country any feeling of jealousy as regards the United States. Undoubtedly there are men who, differing from the honorable gentleman in their theory of government, cannot see with the same approbation which he feels the trial on the other side of the Atlantic of a system of government which we do not think is the best or the most conducive to the happiness of those for whom it was established. [Hear.] But that is an entirely different thing from the feeling which the honorable gentleman has supposed. [Hear, hear.] No doubt during this contest in America there has been experienced, and probably felt, both in the north and in the south, some irritation against this country. But that irritation was caused by the natural feeling which two parties in a quarrel have, that a third party who does not espouse either side is to a certain degree doing both sides an injury, or giving them some cause of complaint or jealousy. [Hear, hear.] The north wished us to declare on their side; the south wished us to declare on theirs; and as we maintained a perfect neutrality between the two, some slight degree of irritation arose on both sides against us. [Hear, hear.] But I am equally persuaded, with the honorable gentleman, that among the great bulk of the people of the United States there are feelings deeper than that irritation—feelings of good will towards the country with which their ancestors were connected; [hear, hear;] and I am satisfied that when this unfortunate contest shall have ceased, whatever its termination, the natural feeling of good will and relationship which ought to prevail between the two nations will take the place of any temporary irritation which the war may have occasioned. [Hear, hear.] I am quite satisfied also that England will not give to America any just cause of complaint—that war will not proceed from us; and if war does not proceed from our side, and if, as the honorable gentleman thinks, it does not proceed from theirs, then we may have a well-founded expectation that, in spite of adverse appearances for the moment. and in spite of the prognostications of many, the friendly relations between this country and the United States will not incur any real danger of interruption. [Hear, hear.] But that is no reason why we should not use the means in our power to place our fellow-citizens, if I may so call them, in Canada and the northern provinces, in a state of defence should they be attacked. [Hear, hear.] There is no better security for peace than strength to resist attack, if attack should come. [Hear, hear.] That is no provocation. It is an abuse of terms to say that when you employ means to prevent danger you are provoking that danger and irritating the party against whom those precautions may be taken. [Hear, hear.] If no animosity exists these precautions can have no effect except that of inspiring confidence in the party in whose favor they are made. [Hear, hear.] If, on the other hand, there be a disposition to attack, that disposition is sure to be lessened in proportion as the chance of success is diminished. [Hear, hear.] Now, I cannot agree with my right honorable friend (Mr. Lowe) in thinking that whatever are the difficulties—and difficulties undoubtedly there may be—in successfully resisting an attack, if it should be made by America, we should

regard the defence of Canada as an undertaking which we could not succeed in accomplishing. I think, on the contrary, that Canada may be defended, and I also feel that the honor of England and the good faith which is due to our loyal fellow-countrymen in these northern provinces require that, at all events, we should make the attempt successfully to defend her. [Hear.] Not concurring, therefore, in the argument of my right honorable friend that Canada cannot be defended—least of all do I concur in his conclusion that, assuming defence to be impossible, we ought forthwith to withdraw our troops—I neither admit the argument nor assent to its conclusion; and I am anxious that there should be no mistake on the subject, and that it may be fully understood that it is not the intention of the government to follow the advice of my right honorable friend and withdraw our troops from Canada. [Cheers.] On the contrary, I feel that the honor of England demands, and that our duty as a government binds us to do everything—moreover, that we shall have the sanction of the British nation in doing everything—that we can to defend our fellow-countrymen in Canada. [Hear, hear.] As I have already said, I am persuaded that the tone of moderation which has prevailed in this debate must be useful both in Canada and in the United States. [Hear, hear.] No doubt there are those who have endeavored to persuade the people of the United States that there exists in this country a spirit of hostility towards them, and that we are looking out for grounds of quarrel. There can, however, be no real and just grounds for quarrel between us. We certainly shall not seek such grounds, nor shall we invent them; and if the speech of the honorable gentleman who has just sat down be a true and faithful exposition of the sentiments of the people of the United States, there can be no well-founded apprehension that the peace happily prevailing between us is in danger of interruption. I can confirm the statement of my right honorable friend, that the present relations between the two governments are perfectly friendly and satisfactory. [Cheers.] We have no complaint to make of the government of the United States; [hear, hear;] they have acted in a fair and honorable manner in all the matters that may have arisen between us. No doubt there are claims which they have put forward, not urging them at present, but laying the ground for their discussion at some future time. No doubt, also, we have claims upon them which we do not put forward at present, but have announced to be claims which at some future time may be discussed. But I should trust that we both feel it to be for the interest—aye, and for the honor of the two countries, that peace should be preserved, and that matters of this sort ought to be capable of a friendly and amicable adjustment. [Cheers.] All I can say is that the government, as long as they continue to be chargeable with the conduct of affairs, will do everything that the honor and interests of the country permit them to do to maintain inviolate the relations of peace and friendship between the two countries. [Loud cheers.]

Mr. Seward to Mr. Adams.

No. 1304.] DEPARTMENT OF STATE,
Washington, March 15, 1865.

SIR: It has been ascertained that the number of American merchant ships which were built and armed in the United States, and which in the year 1858 were transferred to a British registry, was 33, and their tonnage was 12,684; that the number of that class which was so transferred in 1859 was 49, and their tonnage was 21,308; that the number in 1860 was 41, and their tonnage 13,683; that in 1861 the number rose to 126, and the tonnage to 71,673; that in 1862 the number reached 135, and their tonnage was 64,578; that in 1863 the number was no less than 348, and the tonnage 252,379; and that in 1864 the number fell to 106, and the tonnage to 92,052. It thus appears that from the beginning of our civil war until the 1st of January last, the number of our merchant ships which assumed a British registry was 715, or thereabouts. We do not know what number of our merchant ships have sought safety by acquiring other registry than that of Great Britain; and, therefore, we do not assume that any have done so. You are instructed to submit the foregoing statements to Earl Russell, and to say to him that they are regarded as illustrating the great disturbance and derangement of our national commerce; that it is our opinion that this derangement is a necessary and legitimate result, not of our domestic civil war, but of the intervention in it of piratical cruisers built in British ports, and issuing from them to devastate our trade on the high seas, in violation of municipal laws, treaties, and the law of nations; and that the ability of these cruisers, when once afloat, to commit such devastations, is vastly increased

by the recognition accorded to them as belligerent vessels, which recognition has, with greater or lesser reservation, been extended to them in courts and ports of the British realm and its dependencies.

The government of Great Britain has concurred with that of France in attributing a belligerent character to the piratical vessels of which mention has been made. I need not repeat here that the President has always protested equally against the departure of such piratical vessels from British ports, and the recognition of them before mentioned. Still insisting on that protest, you will inform Earl Russell that, in the opinion of this government, all previous justification of a continuance of that recognition has now failed, by a practical reduction of all the ports heretofore temporarily held by the insurgents. The President, therefore, now looks to the Emperor's government for an effectual removal of the evils complained of, so far as depends upon France, in order that the foreign commerce of the United States may hereafter be carried on in peace and safety.

There is a kindred subject to which you will also be expected to invite the attention of Earl Russell. British armed ships have continued during the whole civil war to enjoy free pratique in the United States waters, while our vessels have been jealously excluded from British waters. We think the time has come when we may not only with strict right, but also with entire comity, reclaim a full reciprocity of hospitalities for our naval marine. We are expecting to augment our naval force in European waters about the 1st of May next, and we desire, therefore, to know what reception our vessels may then expect in the ports of Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to Mr. Bigelow, (No. 70 *bis*,) *mutatis mutandis*.]

Mr. Adams to Mr. Seward.

No. 893.] LEGATION OF THE UNITED STATES,
London, March 16, 1865.

SIR: I have to acknowledge the reception of despatches from the department numbered 1278 and 1279.

I had the honor to forward to you on Wednesday a report of the debate in the Commons on Monday evening, on the relations between the two countries. The effect of it in quieting the panic so artificially excited by the London Times, on the one side, and the rebel agents and sympathizers on the other, has been very considerable. I am now in hopes that matters will go on for a while more quietly in Parliament. The effects of the rashness of Lord Derby have been neutralized by the wiser and more statesman-like tone of his friends, Mr. Seymour Fitzgerald and Mr. D'Israeli. On the part of the former of these two the action is the more worth noting, that he has heretofore been well known as entertaining a decided sympathy with the rebel cause. The speech of Mr. Bright is universally admitted to have been one of the most brilliant specimens of his peculiar style of oratory. In its reminiscences, equally unwelcome to both sides of the house, it was yet received after the fashion of an unpleasant medicine, which has the aid of a strong and savory medium to overwhelm the nauseous taste.

But although the mischief-makers are for the time defeated, it is not the less important to continue mindful of the machinations to which they are prone to resort on every opportunity. Manifestly the sore point is Canada, where the

want of proper foresight on the part of the home government has furnished the means to the rebel intriguers of operating to irritate our countrymen to such an extent that the possible consequences to that possession can be no longer overlooked. It cannot be pretended that you did not give them early and full warning through this legation. The record will remain beyond the possibility of obliteration.. But it has always been a characteristic of the British government to fail in promptness—to act in anticipation of evils. The conviction of the necessity is not reached until after the moment when it has ceased to be of practical use. It was this peculiarity which gave rise to the war with us in 1812, a war which is now acknowledged to have been unnecessary and unwise. At the same time it may equally be affirmed that had we studied more closely this characteristic, and been patient and forbearing a while longer, while awaiting the end of this process, the war itself might have been wholly avoided. The obnoxious measure which immediately brought it on was actually rescinded after it was too late to escape its consequences. This is a lesson not unworthy of study in the light of recent events. It is to be remembered that almost in every instance in which we have made representations and remonstrances throughout this struggle, they have been met, at the outset, coldly or with decided resistance. Yet it is equally true that, in the end, the justice or reasonableness of them has been either directly or incidentally conceded. The remedies have never been seasonably or effectively applied. But the fact that they have been resorted to is a substantial and enduring recognition of the obligation, and a great security to the maintenance of a policy of peace.

I have already, in preceding despatches, dwelt so fully upon the necessity of keeping under close observation the several changes of popular opinion as they occur, as well as of adapting ourselves carefully to the immediate emergency, that it is needless for me to enlarge upon it further. It is enough to say that the first sense of deep disappointment among the higher classes at the proper result of the struggle is slowly passing off. They are more or less prepared for a restoration of the Union, but the position of Canada will yet be for some time a ground for alarm, and possibly for much manifestation of ill will, if any circumstances should appear to justify it. I have taken some pains to ridicule the notion that we have the smallest desire to appropriate Canada by conquest. The ill-founded and unfortunate opinion expressed by Lord Russell in the early part of the contest, that, on our side, it was waged for empire, has been twisted to confirm an impression that we intend to spread our armies not merely over the slaveholding States, but over Canada on the one side, and Mexico on the other. It is of no avail to represent to them that even were it admitted to be our policy to acquire those countries, the true way to bring it about would be by patience, conciliation, and the establishment of a harmony of interests that would bring on that end as a perfectly natural result. These are not European ideas, and, therefore, stand no chance of being appreciated. The sense of the presence of half a million of men in arms, and of a powerful naval armament, with nothing to do, is much more distinctly defined to the imagination. It may not, therefore, be wholly unadvisable to bear in mind the existence of these apprehensions in shaping the tone and language that may be used to denote even constructively any ulterior policy of the government.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 894.] LEGATION OF THE UNITED STATES,
London, March 16, 1865.

SIR: I have the honor to transmit a note from Lord Russell to me, of the 11th instant, giving me information of the measures taken by the authorities in Nova Scotia to ascertain the existence of combinations formed in that province with a hostile intent towards the United States.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March* 11, 1865.

SIR: You may probably be aware that a note was addressed by Mr. Seward to Mr. Burnley in December last, stating, on the authority of the United States consul at Halifax, Nova Scotia, that there existed at that port a piratical organization of some two hundred persons, with the object of seizing United States vessels on the lakes and elsewhere.

It will, therefore, interest you to learn that, in a despatch lately received from the lieutenant governor of Nova Scotia, he reports that, on receiving a copy of Mr. Seward's note, he had at once sent for the United States consul, and assured him of the hearty co-operation of the Nova Scotian government in every legal measure for the suppression of such conspiracies. The lieutenant governor then instituted searching inquiries with the view of ascertaining whether any such organization had really been set on foot, and he reports, as the result of those inquiries, that he had not been able to discover any adequate reason for the suspicions entertained by the United States consul.

The lieutenant governor adds that that officer has not made any further communication to him on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL,

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 896.] LEGATION OF THE UNITED STATES,
London, March 16, 1865.

SIR: In connexion with your despatch No. 1271, of the 16th of February, I have the honor to transmit copies of notes which have passed between myself and Lord Russell on the subject of the steamer Laurel, alias the Confederate States.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, March 7, 1865.
2. Lord Russell to Mr. Adams, March 10, 1865.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 7, 1865.

MY LORD: I am pained to be obliged once more to call your attention to the proceedings of the vessel called the steamer Laurel.

This is the vessel concerning which I had the honor to make a representation, in a note dated the 10th November last, which appears to have proved, in substance, correct.

Her departure from Liverpool on the 9th October, laden with men and arms destined to be placed on board of the steamer Sea King, her meeting with that vessel at Porto Santo, in the Madeira islands, her subsequent transfer of her freight to that steamer, which thereupon assumed the name of the Shenandoah, and proceeded to capture and destroy vessels belonging to the people of the United States are all facts now established by incontestable evidence.

It now appears that this steamer Laurel, having accomplished her object under British colors, instead of immediately returning to this kingdom, made her way through the blockade to the port of Charleston, where she changed her register and her name, and assumed to be a so-called confederate vessel. In this shape she next made her appearance at the port of Nassau as the Confederate States. From that place she cleared, not long since, to go *via* Madeira to the same port of Liverpool from whence she had originally started.

It further appears that, notwithstanding the assumption of this new character, this vessel carried out from Nassau a ship mail, made up at the post office of that port, and transported the same to Liverpool. I have the honor to transmit a copy of a letter from the postmaster of that place establishing that fact.

Under these circumstances, I have the honor to inform your lordship that I am instructed by my government to remonstrate against the receipt and clearance with mails of this vessel from Nassau, and to request that such measures may be adopted in regard to her as may prevent her from thus abusing the neutrality of her Majesty's territory, for the purpose of facilitating the operations of the enemies of the United States.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March* 10, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, in which with reference to the case of the steamer Confederate States, late Laurel, you inform me that you are instructed to remonstrate against the receipt and clearance with mails of that vessel from Nassau, and to request that such measures may be adopted in regard to her as may prevent her from thus abusing the neutrality of her Majesty's territory, for the purpose of facilitating the operations of the enemies of the United States.

I have the honor to state to you, in reply, that the arrival of that vessel at Nassau, and her departure for Liverpool *via* Madeira, had already been reported to her Majesty's government by the governor of the Bahamas, who stated that, in consequence of a suspicion entertained at Nassau that she was about to proceed to Green Cay for the purpose of taking in the guns and stores supposed to have been left there for the Mary, he had arranged with the captain of her Majesty's ship Fawn, which had just arrived from Jamaica, that that vessel should proceed by the earliest tide, and as soon as she was coaled, in pursuit of the Confederate States. Before, however, the Fawn could be despatched, it was ascertained, by inquiry at the signal station, that the Confederate States had not taken the channel leading to Green Cay, and the receiver general was informed by the United States consul that her destination was a small bay on the southern coast of Long Island.

Considering this uncertainty as to her destination, the distance of Long Island, the time lost in starting, the difference of speed between the two vessels, and the inconvenience of detaching the Fawn from the service upon which she was specially engaged, although Captain Talbot and General Ashmon, who were on board of the Fawn, were ready to submit to this, if it had been necessary, the government agreed with Captain Talbot that it was useless for him to go in pursuit. And the governor adds, that it has since been stated that the destination of the Confederate States was really England.

I have merely to add that the matter in regard to this vessel to which you have now called my attention shall be inquired into.

I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 897.] LEGATION OF THE UNITED STATES,
London, March 16, 1865.

SIR: Under your instructions, contained in No. 1272, of the 18th February, I addressed to Lord Russell a note on the 7th instant. A copy of it, as well as of his lordship's acknowledgment, of the 9th, is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 7, 1865.

MY LORD: By a report made by the consul at Nassau it would appear that he was informed by a government officer at that place of the possibility that the vessel formerly well known as the Alexandra, and now as the Mary, even if condemned and sold at that port, under judicial process, for a violation of neutrality, might be bought in by the same parties first interested in her, and started again in the guise of a merchantman on her original errand to carry on war against the United States.

I am instructed by my government to make to your lordship a representation touching this matter, and to remonstrate against giving permission to this vessel to depart from Nassau without abundant security that she is not to be used for the hostile purpose indicated. So much of deception and fraud has marked the previous transactions of the insurgent agents engaged in these outfits from British ports that no suspicion of any of their future operations appears to be unreasonable.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 9, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, in which you represent that your government is informed that the steamer Mary, late Alexandra, even if condemned at Nassau, and sold under judicial process for a violation of neutrality, may be bought in by the same parties first interested in her, and started again in the guise of a merchantman on her original errand to carry on war against the United States; and you state that you are instructed to remonstrate against giving permission to that vessel to depart from Nassau without abundant security that she is not to be used for the hostile purpose indicated.

I have the honor to inform you, in reply, that I have lost no time in transmitting a copy of your representation to the proper department of her Majesty's government.

I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 900.] LEGATION OF THE UNITED STATES,
London, March 17, 1865.

SIR: I have received a letter from William Blanchard, esq., consul of the United States at Melbourne, giving an account of the arrival at that place of the steamer now called the Shenandoah, and lately the Sea King. It is not unlikely that she may next turn up in the Pacific, if she can hold together long enough.

Of all the experiments of the rebels to uphold their cause, I know of none which seems to have been more expensive and more unsatisfactory than the attempt to organize a navy. It may have gratified a spite, but the indulgence of ill temper never of itself established a nation. Could that alone have done so, the confederates would long since have been recognized everywhere.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1309.] DEPARTMENT OF STATE,
Washington, March 18, 1865.

SIR: I enclose herewith, for your information, a copy of a despatch of the 24th of February last, which Thomas Kirkpatrick, esq., our consul at Nassau, has addressed to this department, in which it is stated that blockade-running from that port has ceased; that rumors exist to the effect that some of the vessels recently engaged in running the blockade from Nassau are about proceeding to Havana, there to be fitted out as privateers, and under the United States flag to depredate upon British commerce, thus hoping to effect a rupture between the two countries, which would ultimately result beneficially for the insurgents, and that the governor of that province is an attendant upon all occasions of festivity, from which those whose sympathies are with the Union cause are excluded. You may make this known informally to Earl Russell, at the same time saying that the consul is a person of remarkable prudence and candor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Kirkpatrick to Mr. Seward.

UNITED STATES CONSULATE,
Nassau, February 24, 1865.

SIR: I have the honor to inform you that blockade-running from this port has ceased. Several of the steamers have gone to Havana, and more are going. The Edith left for there, with General Preston and aid, of the rebel army, on board. He has been here for some time, though he has made one or two attempts to get to the confederacy, but without success. He has been quite a lion here, having been an attendant on governor's parties and balls; has been called upon by the governor in person at the hotel. The governor is an attendant on any and every festive occasion; he attended a "maroon," (something liko our "pic-nics;") it was given by a party of blockade runners, and he had to give a party in return; and he recently attended a large southern or southern-interest party given by the notorious blockade-runner Lafitte, where he remained until about four o'clock in the morning. At none of these parties have I heard of any person of northern feelings or sympathies being invited or present. There are rumors here that some of the vessels recently engaged in blockade-running from this port are going to Havana to fit up as privateers to cruise against British commerce under the flag of the United States, with the expectation and hope that such a step would lead to a war between the two countries and aid the confederacy. I know not whether they would do so desperate an act, though they seemed desperate enough for anything; but I have deemed it my duty to call the attention of the government to it, as I have that of the consul at Havana and the authorities here, but trust it may prove untrue.

Very respectfully, your obedient servant,

THOMAS KIRKPATRICK.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1310.] DEPARTMENT OF STATE,
Washington, March 20, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch of the 2d of March, No. 886, in which you inform me that Lord Lyons has retired from the legation here, on the ground of ill health, and that the vacant post has been assigned to Sir Frederick Bruce. Simultaneously I have received a kind farewell note from Lord Lyons. We give up his lordship with sincere sorrow for the cause of his resignation, and unaffected regret upon the loss of his labors in the interest of peace and friendship between the two nations.

We are prepared to receive Sir Frederick Bruce kindly, and to judge him favorably. His name is connected, on this continent, with the memories of two eminently just and liberal representatives of Great Britain, Lord Ashburton and Lord Elgin.

I thank you sincerely for your suggestions in regard to the tone and spirit of our discussions upon questions affecting the British nation. It seems by no means certain that any course of proceeding is open to us which will satisfy, at once, the wishes of the British nation, and at the same time command justly the confidence of the people of the United States.

I think, however, that the manifest weakness of the rebels at home, together with the sudden and complete drying up of the springs of their credit in Europe, will tend to abate the interested favor they have hitherto enjoyed there. Our recent modification of the passport order, which restores free intercourse with Canada, and our reconsideration of the motion to abrogate the restrictions upon armaments upon the upper lakes, was favorably received here, and they have relieved Canada of apprehensions of hostile intentions on our part, without weakening her resolve to maintain peace upon the border. I shall be disappointed if these benign measures shall not have a soothing influence in England.

The article in the London Times to which you have called my attention betrays a fatuity which inexcusably exceeds that of the rebels. The recent operations of Sherman, Grant, Sheridan, Schofield, Canby and Thomas, have fully satisfied the insurgents, even though they have failed to convince the Times, that this government is not proposing an offensive and defensive alliance with them to wage war against Great Britain for the conquest of Canada. But, on the other hand, while we can safely and justly disclaim all purposes or thoughts of aggression, we cannot any longer defer our claims for a rescinding of European regulations which deny us safety for our mercantile marine upon the ocean and reciprocity for our navy in European waters.

You will express my thanks to Baron Brunow for his suggestions. We know his motives to be sincere and friendly, and we have great respect for his judgment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1311.] DEPARTMENT OF STATE,
Washington, March 20, 1865.

SIR: Referring to your despatch of the 16th ultimo, No. 879, so far as it relates to the transmission through the military lines to the insurgent chief of the British official copy of the note addressed by Earl Russell, under the date of

the 13th ultimo, to Messrs. Mason, Slidell and Mann, I now enclose for communication to Earl Russell, as promised in my despatch of the 9th instant, No. 1294, a copy of a letter of the 15th instant, from the Assistant Secretary of War, which is accompanied by a copy of one of the 13th instant from Lieutenant General Grant, and of the Lieutenant General's letter to the chief of the insurgent military forces on the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Dana to Mr. Seward.

WAR DEPARTMENT,
Washington City, March 15, 1865.

SIR: Referring to your communication of the 8th instant, enclosing a paper received from Earl Russell, her Britannic Majesty's principal secretary of state for foreign affairs, which you requested might be sent forward to the Lieutenant General, with directions to cause the same to be conveyed by flag of truce to General Lee, and asking to be informed of the Lieutenant General's proceedings in the premises, the Secretary of War instructs me to transmit the accompanying copy of a communication and of its enclosure from Lieutenant General Grant, to whom the instructions desired by you were given on the 9th instant.

I have the honor to be, sir, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

General Grant to Mr. Stanton.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Virginia, March 13, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of date 9th instant, transmitting letter of Hon. William H. Seward, Secretary of State, forwarding communication of Earl Russell, and to inform you that, in compliance with your instructions, I have this day forwarded the same by flag of truce to General R. E. Lee, commanding confederate armies.

I have the honor to be, sir, very respectfully, your obedient servant,

U. S. GRANT, *Lieutenant General.*

Hon. E. M. STANTON,
Secretary of War.

General Grant to General Lee.

HEADQUARTERS ARMIES OF THE UNITED STATES,
March 13, 1865.

GENERAL: Enclosed with this I send you copy of a communication from Earl Russell, secretary of state for foreign affairs, England. to Messrs. Mason, Slidell, and Mann. The accompanying copy of a note from the Hon. William H Seward, Secretary of State, to the Secretary of War, explains the reason for sending it to you.

Very respectfully, your obedient servant,

U. S. GRANT, *Lieutenant General.*

General R. E. LEE,
Commanding Confederate States Armies.

Mr. Seward to Mr. Adams.

No. 1312.] DEPARTMENT OF STATE,
Washington, March 21, 1865.

SIR: The public attention is now fastening itself upon Richmond, and things surrounding it. Major General Sheridan, after having destroyed all the rail-

road and canal avenues on the north side of the James river, from Staunton to the Pamunkey, has crossed the last named river, and established himself at the White House. He encountered only the resistance of Early's small force, most of which he captured. With reference to immediate results, it may be exaggeration to put the march of Sheridan above that of Sherman through Georgia and North Carolina, but it is allowed to have been effective beyond a parallel. Sheridan's force is now practically combined with the army of the Potomac, and henceforth may be in direct co-operation.

The battle of Kinston cost each party about three thousand men. The enemy have evacuated that town, and Major General Schofield awaits there, or in its vicinity, the arrival of Major General Sherman at Goldsboro,' who, on the 11th instant, captured Fayetteville, and appointed yesterday, the 20th, for his entrance into Goldsboro'. Johnston and Hardee are understood to be concentrating in front of that place—perhaps at Raleigh. The army of the Potomac is still at rest before Richmond. Significant political movements occurred there last week. The effort to bring negroes into the rebel service was begun. The so-called congress, on the eve of an intended adjournment, was detained by a message from Davis, announcing that Richmond is in imminent danger, and demanding extreme measures, and virtually dictatorial powers, including a suspension of the habeas corpus, unlimited control over exemptions, and authority to seize gold for the uses of the rebel authorities. The so-called legislature listened and adjourned, as is understood, without reviewing the policy of which Davis complained, and without conceding the most, much less all, of the extraordinary powers demanded. We hear that troops have arrived in Mobile bay, and that our naval forces have crossed Dog bar, below the city.

You will find in the public papers Davis's account of an attempt to bring about a military convention between Lee and Grant, to make peace or gain time. It is true, as he says, that an overture of this kind was made by the rebel agents in the conference with the President and Secretary of State at Hampton roads, but it was firmly though courteously declined.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to all our principal ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1313.] DEPARTMENT OF STATE,
Washington, March 21, 1865.

SIR: This government has had under consideration the proceedings in the trial of the case of the Queen against Rumble, upon a very elaborate indictment for violation of the neutrality laws of Great Britain in the equipment and enlistment of men for the piratical steamer Rappahannock.

It is the opinion of this government that the acquittal of Rumble was contrary to the law, and contrary to the evidence submitted in the case. But this government acknowledges with pleasure that it finds in the report of the trial abundant evidence that her Majesty's government have acted with diligence and entire good faith in instituting the prosecution and carrying it on to its satisfactory conclusion. It is a pleasure also to this government to admit its high appreciation of the manner and form in which the indictment was prepared, and the prosecution was conducted by the solicitor general and other counsel for the Crown.

In the opinion of this government the defeat of justice which occurred in the case is due in no small degree to the proceeding of the presiding justice in ad-

journing the trial of the case for the long period of fifty-eight days after important testimony had been given for the prosecution, and with the view to enable the defendant to procure contradictory evidence. That long delay left the jury free and open to be practiced upon by the defendant and his abettors—an experiment sure to be resorted to in a case attended by high political excitement. It is the opinion of this government that the adjournment thus granted was not warranted by reliable precedents in the administration of criminal justice. And, again, this government thinks that if the allegation of surprise was sufficient to arrest the trial, the jury ought to have been dismissed, and that a new jury should have been summoned to try the issue, when the time arrived, at which the court thought proper that the prosecution should proceed. This government acknowledges that it does not otherwise find any sufficient ground for questioning the learning or the impartiality of the presiding judge in the conduct of the trial.

The guilt of the accused was clearly proved. It was proved by witnesses who in the main were credible; and when the case rested in any degree upon the testimony of witnesses, whose character or deportment was suspicious, that testimony was corroborated by facts and circumstances which, in the judgment of this government, left no reasonable doubt of its truth.

The responsibility for the failure of the prosecution seems, therefore, to fall upon the jury. They announced an opinion adverse to the prosecution upon a cardinal point, with unbecoming impatience, not only without waiting for the instructions of the judge, but even without waiting to hear the argument of the counsel for the Crown upon that topic.

It was only by resorting to a subterfuge, of which a candid mind would be incapable, that they found the defendant innocent of knowledge that the vessel he was so industriously supplying with seamen was preparing for a cruise of piracy, instead of a mere trial-trip or a peaceful voyage to China. The readiness with which they came to this conclusion, and the popular applause which greeted it, leaves little room to doubt that the jury rendered their unjust verdict under the influence of a national enmity towards the United States, which the counsel for the defendant so artfully labored to awaken in the panel.

Such was the end of this trial—the only remedy which her Majesty's government opened to the United States to save themselves from piratical warfare by British subjects. So far as the defendant is concerned, he goes unpunished, and another judicial triumph is given in a British court to subjects of the Crown who are diligently engaged and systematically combined in fitting out hostile expeditions against the United States. It remains for us only to say that the United States cannot hereafter deem themselves called upon to appeal to British tribunals for the enforcement of the British neutrality laws. This government cannot again voluntarily bring the American people before a tribunal where justice is denied them with evasion, contumely, and insult. In communicating these opinions of this government to Earl Russell, you will remind him that the Shenandoah is still at large upon the high seas; that the Rappahannock, now virtually used as a receiving ship under the direction of insurgents at Liverpool and London, is detained at Calais, only through the good offices of the French government, and that the Olinde, alias Stoerkodder, alias the Stonewall, with her British armament and crew, is detained at Ferrol, not at all through British interposition, but only by the watchfulness of the United States navy. This government, therefore, again appeals to her Majesty's government for a rescinding of such great national wrong.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1314.] DEPARTMENT OF STATE,
Washington, March 21, 1865.

SIR: I transmit a copy of a letter of the 19th instant, and of its accompaniments, addressed to this department by Lieutenant General Grant, on the subject of certain fuzes furnished to the insurgents, alleged to have been made by Professor Abel, who is employed by the British government at Woolwich arsenal. The samples of the fuzes referred to are also herewith transmitted.

You will bring the matter to the attention of Earl Russell, requesting that an inquiry in regard to it be set on foot; and state that, if the allegations should prove to be well founded, it is expected Professor Abel will be made sensible of the displeasure of her Britannic Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

General Grant to Mr. Seward.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Virginia, March 19, 1865.

SIR: With this I have the honor of forwarding to you specimens of fuzes captured at Fort Fisher, North Carolina, together with the certificate of Lieutenant Colonel O. E. Babcock, aide-de-camp on my staff, that they were so captured, and the statement of Colonel Tal. P. Shaffner that the same were manufactured at the Woolwich arsenal, England, an arsenal owned and run by the British government.

Very respectfully, your obedient servant,

U. S. GRANT, *Lieutenant General.*

Hon. WILLIAM H. SEWARD,
Secretary of State.

Colonel Shaffner to General Grant.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Virginia, March 19, 1865.

DEAR SIR: In answer to your inquiry of this date I make the following statement:

The sample of fuzes you have caused to be submitted to me, marked A, B, and C, indorsed by Colonel Babcock, are known to me as the "Abel fuze," and manufactured by Professor Abel, and sold by the official vendor of the war department of the British government.

Professor Abel is an officer of her Majesty's government in Woolwich arsenal, and he exercises sole authority as to the manufacture and sale of the above named fuses. The mysteries for packing the composition of the fuzes are solely the property of the British government.

In January last I desired to purchase one hundred fuzes of the above composition from the official vendor in London, to be especially made for the United States government; but Professor Abel would not allow them to be made for our government. At the same time, and for some weeks anterior, large quantities of fuzes had been and were being made for the confederate government's agents by authority and knowledge of Professor Abel.

In order to prevent the further sale of the said fuzes to the confederate agents, I offered to negotiate the sale of the mysteries for making the composition to the United States government, by consent of the British government to be obtained, contemplating the payment of a sum not less than three hundred pounds sterling, conditional that the rebel States should not have the mysteries or further supplies. This proposition Professor Abel declined.

I know how to make the composition, and did at the time of making the above offer, but my object was to prevent further supplies to the rebel agents. For some years anterior I had been using a superior composition, and had, before the above date, offered the mysteries free to our government.

Before concluding I desire to express the belief that his lordship Earl de Grey and Ripon, the honorable secretary of state for war, would not allow the continuance in office of any one

guilty of so flagrantly violating her Majesty's proclamation of neutrality, and I am quite sure his lordship will not hesitate to administer such an order as will atone for the breach of faith to our government and the prostitution of her Majesty's arsenal at Woolwich.

It is within my power to substantiate the statements herein made.

Very respectfully, your most humble and obedient servant,

TAL. P. SHAFFNER.

Lieutenant General U. S. GRANT, &c., &c., &c.

N. B.—I attach to the samples my initials, for the purpose of further verification if ne cessary.

Lieutenant Colonel Babcock to General Grant.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Virginia, March 19, 1865.

I hereby certify that the accompanying fuzes were captured in Fort Fisher, at the mouth of Cape Fear river, North Carolina, a work held by the so-called confederate forces, and captured by the Union forces under Major General A. H. Terry, United States army, and Rear-Admiral D. D. Porter, United States navy, January, 1865.

These fuzes were used in the vast number of subterranean and submarine mines at that place. I understand that these fuzes are used extensively throughout the so-called southern confederacy.

Accompanying this are samples of the fuzes, marked A, B, and C, with my name attached.

O. E. BABCOCK,
Lieutenant Colonel and A. D. C.

Lieutenant General U. S. GRANT,
Commanding Armies United States

Mr. Seward to Mr. Adams.

No. 1315.] DEPARTMENT OF STATE,
Washington, March 21, 1865.

SIR: Thomas Kirkpatrick, esq., our consul at Nassau, on the 18th instant, informed me that the steamer City of Richmond had arrived at that port from England, *via* Bermuda; that it was understood at Nassau, from a passenger from Bermuda, that a large amount of guns, ammunition, &c., had been transferred from that steamer to the iron-clad vessel Olinde, *alias* Stoerkodder, *alias* Stonewall; that it was said, also, that it was the intention of the captain of the Olinde to run in and destroy Portsmouth, New Hampshire, and other eastern seaports.

The steward of the City of Richmond stated to Mr. Kirkpatrick, after he had written the portion of his despatch containing the foregoing representations, that the steamer City of Richmond transferred about seventy men and a quantity of powder and some tanks, on board of the Olinde, off the coast of France; that these men came on board of the City of Richmond, in the Thames, after she left London; that several so-called confederate officers were on the ship, part of whom had charge of these men; that they put no guns on board; that she (the Olinde) had them already there; and that she was said to have come from France.

You will have already brought the attention of her Majesty's government to the part taken by the City of Richmond in furnishing the iron-clad vessel referred to with men and munitions, (if not with arms,) and you will make such use of the information now imparted as may, in your judgment, be most judicious.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1317.] DEPARTMENT OF STATE,
Washington, March 22, 1865.

SIR: Referring to my No. 1280, of the 28th ultimo, and No. 1315, of the 21st instant, I now transmit a copy of a despatch of the 1st instant, No. 159, from C. M. Allen, esq., our consul at Bermuda, which relates to some of the crew of the late piratical vessel Florida, and other men now at Bermuda, under charge of a rebel agent, waiting to ship on rebel vessels, and to the transfer from the steamer City of Richmond of men, arms, and ammunition to the Stonewall, *alias* Olinde, *alias* Stoerkodder.

You are expected to make such use of the information thus imparted, in your representations to her Majesty's government, as your judgment shall approve.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Allen to Mr. Seward.

No. 159.] CONSULATE OF THE UNITED STATES AT BERMUDA,
March 1, 1865.

SIR: Your despatch, No. 83, with enclosure, is at hand.

Sixteen of the crew formerly belonging to the Florida, with many other seamen, are here, under the charge of the rebel agent. Either the Shenandoah, or a rebel iron-clad called the Stonewall, are hourly expected here.

The steamer City of Richmond, under the British flag, arrived here a few days since; one of her seamen informs me they took from Cherbourg sixty men, which they put on board the Stonewall, near Belle Isle, France; they also transferred a large quantity of arms and ammunition to the Stonewall, then under command of a Captain Paige, formerly of the United States navy.

The authorities here are using their utmost vigilance to prevent the men of the late Florida going on board any rebel armed vessel. It having been supposed that the City of Richmond would take them from here, the lieutenant governor ordered an officer of the customs to remain on board to prevent these men leaving in her.

The United States steamer Connecticut came to anchor off these islands on the evening of the 26th, and left the next day.

I am, sir, your obedient servant,

C. M. ALLEN, *Consul.*

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 903.] LEGATION OF THE UNITED STATES,
London, March 23, 1865.

SIR: In accordance with the instructions contained in your despatch, No. 1241, of the 18th of January last, I addressed a note to Lord Russell on the 17th of this month, giving formal notice of the termination of the reciprocity treaty, and enclosing, at the same time, a certified copy of the resolution expressing the sense of both houses of Congress on that subject. This note was delivered by the messenger of this legation at the Foreign Office at 2 p. m., notice of which was entered by him on the envelope, and also reported to me on his return. Not long afterwards I received from his lordship his own acknowledgment of the reception of it. Copies are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Earl Russell.

(Delivered at the Foreign Office, at 2 p. m., on March 17, 1865, by James Ensor.)

LEGATION OF THE UNITED STATES,
London, March 17, 1865.

MY LORD: Under instructions from the government of the United States, I have the honor to transmit to your lordship a certified copy of a joint resolution of the Congress of the United States, approved by the President on the 18th of January, 1865, in regard to the termination of the treaty concluded between the United States and her Britannic Majesty on the 5th of June, 1854, commonly known as the reciprocity treaty.

I have the honor further to inform you that I am directed to notify her Majesty's government that, as it is considered no longer for the interest of the United States to continue this treaty in force, it will terminate and be of no further effect, as provided by the terms of the instrument, at the expiration of twelve months from the date of the reception by your lordship of this notice.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord,

Your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 17, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of this day, containing a resolution of the Congress of the United States, approved by the President, in regard to the termination of the treaty of 1854, commonly known as the reciprocity treaty.

Her Majesty will instruct Sir Frederick Bruce, on his proceeding to Washington as her Majesty's envoy extraordinary, upon the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 904.] LEGATION OF THE UNITED STATES,
London, March 23, 1865.

SIR: I have the honor to transmit copies of papers, sent to me by Lord Russell, announcing the establishment of a provisional flag of the duchies of Holstein, Schleswig, and Lauenburg by the assent of three of the powers of Europe. A copy of my acknowledgment of the reception of these papers is added.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March* 11, 1865

The undersigned, her Britannic Majesty's principal secretary of state for foreign affairs, has the honor to transmit to Mr. Adams, envoy extraordinary and minister plenipotentiary of the United States at this court, copies of notes which have been addressed to the undersigned by the representatives of Austria and Prussia at this court, announcing the determination of their respective governments to grant to the duchies of Schleswig, Holstein, and Lauenburg a provisional national flag, and requesting the recognition of the same flag by her Majesty's government.

The undersigned begs at the same time to transmit to Mr. Adams a copy of a despatch which he has addressed to her Majesty's representatives at Vienna and Berlin, containing the decision of her Majesty's government on this question, for communication to the governments of Austria and Prussia.

The undersigned requests Mr. Adams to accept the assurances of his highest consideration.

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Barnstorff to Earl Russell.

[Translation.]

LONDON, *February* 21, 1865.

MY LORD: The government of the King my gracious sovereign, in conjunction with the Austrian government, has determined to grant a provisional national flag to the ships of the duchies of Schleswig, Holstein, and Lauenburg until the definitive settlement of those territories.

This flag will have the colors blue, white and red, in horizontal stripes, and will be distinguished from the Mechlenburg flag, which has the same colors, by a yellow field placed on the blue field, next the flag-staff.

I am instructed, together with the Austrian ambassador, who will at the same time address a communication to your excellency, to propose this provisional flag for recognition to the government of her Majesty the Queen, &c., and at the same time to express the hope of his Majesty's government that the British government will grant to the ships bearing this flag the same rights which belonged to the ships of the aforesaid three duchies until their separation from Denmark, on the ground of the commerce and navigation treaties concluded by that power with England.

I have the honor to be, &c., &c., &c.,

BARNSTORFF.

EARL RUSSELL, *&c., &c., &c.*

Lord Russell to Lord Napier and A. A. G. Bonar, Esq.

FOREIGN OFFICE, *March* 8, 1865.

MY LORD: Sir: I enclose herewith to your lordship a copy of a note which was addressed to me on the 21st ultimo by the Prussian ambassador at this court, stating that the governments of Austria and Prussia had determined to grant a provisional national flag to the duchies of Schleswig, Holstein, and Lunenburg until the definitive settlement of the constitution of these territories, and proposing that her Majesty's government should recognize the flag in question, and should grant to ships bearing it the same rights which were accorded to the ships of the duchies previously to their separation from Denmark. A similar communication was addressed to me by the Austrian ambassador.

I have to instruct you to state to the minister for foreign affairs that her Majesty's government have fully considered this proposal, and that they are prepared to recognize the flag provisionally, saving the rights of the states of Holstein and Schleswig, and of the German confederation, and only till the definitive constitution of the duchies concerned.

I am, &c., &c.,

RUSSELL.

The LORD NAPIER, A. A. G. BONAR, Esq., *&c., &c., &c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 21, 1865.

SIR: The undersigned, envoy extraordinary and minister plenipotentiary of the United States at the court of St. James, has the honor to acknowledge the reception of a note from the right honorable Earl Russell, her Majesty's principal secretary of state for foreign affairs, dated the 16th instant, communicating to him copies of separate notes addressed to him by the representatives of Austria and Prussia, relative to the establishment of a provisional national flag for the duchies of Schleswig, Holstein, and Lunenburg, and also of his reply, containing the decision of her Majesty's government, consenting to recognize the same.

The undersigned has the honor to renew, &c., &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, *&c., &c., &c.*

[Translation.]

LONDON, *February* 21, 1865.

COUNT: The government of his imperial and royal apostolic Majesty, and that of his Majesty the King of Prussia, have determined to grant a temporary national flag to the duchies of Holstein and Schleswig, till their definite construction, composed of three horizontal blue, white, and red stripes, with a yellow square on the blue stripe, near the staff.

I am charged on this account in connexion with my Prussian colleague, to invite the government of her Britannic Majesty to recognize this flag, and to give the orders necessary for its recognition in all the ports dependent on the Crown of England, and by all the British naval authorities.

The imperial government is pleased to hope that until the conclusion of new treaties of navigation with the government, to be constituted in the duchies, vessels sailing under the temporary national flag may enjoy the same rights and immunities granted to vessels of Holstein, Schleswig, and Lunenburg, before their separation from Denmark, according to treaties of commerce and navigation existing with that kingdom.

In asking your excellency to communicate to me, at your leisure, the result of this request, I remain, &c., &c., &c.,

APPONYI.

Mr. Adams to Mr. Seward.

No. 905.] LEGATION OF THE UNITED STATES,
London, March 23, 1865.

SIR: I have the honor to transmit an address to the President from the Union and Emancipation Society of Glasgow, on the passage of the constitutional amendment through both houses of Congress.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

UNION AND EMANCIPATION SOCIETY,
Glasgow, March 17, 1865.

In the name of the Union and Emancipation Society of Glasgow, we desire to express to your Excellency the satisfaction with which the members of that society have heard of the momentous reform in the Constitution of the United States now in process of being ratified. We regard the passing, by so large a majority, of the constitutional amendment, by which all subjects of your government are declared free and equal before the law, as one of the greatest triumphs of modern civilization. It is a triumph in which all who love liberty may well exult; fraught with consequences so vast, bearing so directly on the prosperity and happiness of future millions of mankind, it is an event in the contemplation of which minor differences may well be forgotten—an authoritative refutation of the belief that has associated a large section of the Anglo-Saxon race with the maintenance of an ancient pagan prejudice—the arrogantly exclusive spirit of caste. It is an authoritative assertion of the fundamental principle of Christianity, proclaiming the brotherhood of all the nations of the earth.

We recognize in the history of the last four years, which has made possible so grand a reformation, the work of that Divine Providence who often walks in a mysterious way to the accomplishment of His ends—evolving out of strife a lasting peace; out of anarchy an order more secure; out of rebellion in behalf of slavery, the victory of freedom. We also recognize in these results the vindication of the patriotic efforts of your countrymen—our kinsmen, who in many a stubborn field have proved themselves worthy descendants of those who fought for a new world in which to preserve their ancient faith. We recognize in them the approaching consummation of the beneficent policy which you inaugurated on your first, and on your second assumption of the presidential chair have so nobly perpetuated. We congratulate your people on their choice of a ruler on whose honesty and honor not even his enemies have cast a shade of doubt, who in so trying a crisis has combined tenacity of purpose with moderation.

The recent success of your arms by land and sea bids us hope that the time is not far distant when the last efforts of a formidable conspiracy against law and right will have proved

futile, and that with the re-establishment of the Union, more firmly compacted by heroic blood, the blot of slavery will have disappeared from the length and breadth of your dominions.

JAMES SMITH, *Chairman.*
JAMES SINCLAIR, *Secretary.*

His Excellency ABRAHAM LINCOLN,
President of the United States.

Mr. Adams to Mr. Seward.

No. 908.] LEGATION OF THE UNITED STATES,
London, March 24, 1865.

SIR: There was no bag received by the China, so that the legation is without further advices this week.

I have the honor to transmit a copy of the Times of this morning, containing a report of the proceedings in both houses of Parliament last evening. I would call your attention more particularly to the remarks of Lord Russell in the upper house, and to the debate on the estimates for Canada in the Commons. You will be glad to perceive how much the tone toward the United States is changed. The alarmist policy, alluded to in preceding despatches, seems to be at last abandoned, and in lieu of it come earnest professions of a belief that the friendly relations between the two countries are firmly established.

It is not necessary at this time to analyze very closely the elements with which this new faith is compounded. I have reason to believe that the discovery of the indefensible position of Canada had its date so long ago as the happening of the Trent affair, and that it had materially contributed to cool the ardor with which that question was entered into long before it received its solution by the delivery of the captives. At that time, however, all reference to it was carefully suppressed; and so it would have remained but for the reluctance of this government to adopt, in season, the necessary measures to prevent the operations of the rebel emissaries sent to that region for the purpose of perpetrating outrages, like the St. Albans raid. The result has been a necessity to go to Parliament with a disclosure of the truth. The discussion is not, on the whole, of a kind likely to gratify the pride of the British people. The fact stands boldly out, that the continuance of the bond with Canada depends upon the good will of the United States. It would have been wiser to have thought of this before the ill will of the governing class had been permitted to betray itself so indiscreetly in the dark hours of our civil struggle. The result is, that no further apprehension need be felt by us of any aggressive policy on this side of the water. Even the tone of the London Times marks the completeness of this revolution of opinion. The course taken by England is evidently the guide to that adopted by France; and all the other powers of Europe will follow suit. The President may fairly congratulate himself upon the fact that, so far as their action is concerned, he has carried the country through without serious embarrassment from complications with the powers in this hemisphere.

At the same time it should not be overlooked that the prodigious development of physical power during this war is viewed with no inconsiderable share of alarm. To quiet this will call for the exercise of prudence and moderation in tone, not less than in action, for some time to come—indeed, until the period when our domestic affairs shall have resumed the even tenor of their peaceful way, and the nations shall become convinced that we fight only when we are obliged by others to do so.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of March 24, 1865.]

HOUSE OF LORDS, THURSDAY, MARCH 23.

RELATIONS WITH THE UNITED STATES.

Earl RUSSELL, in laying on the table the despatches from the minister of the United States, said: I wish to make a statement in regard to the relations between this country and the United States. My lords, one of these papers is a letter from Mr. Adams, in which he states that he is commanded by the President to deliver to the British government a notice, dated March 13, in regard to the termination of the reciprocity treaty between this country and the United States, and stating that this treaty will terminate twelve months from the date of the acknowledgment of that notice. Mr. Adams also encloses the vote of the Congress, which has been approved by the President, declaring that it was no longer for the interest of the United States that that treaty should continue. Coupled with this notice is a notice given with respect to the armament of the lakes. I think it must be admitted that recent occurrences on the lakes—namely, the seizure of vessels by the agents of the confederacy and other acts of hostility—completely justify the United States in giving notice of the termination of the convention. My lords, it was not to be expected that the United States should submit passively to such acts of violence without availing themselves of all the means of repression within their power. With regard to the reciprocity treaty, although I will not say there are sufficient grounds, yet there are grounds with respect to the admission of articles duty free into the United States which may induce the United States government to wish for a renewal of the treaty with modifications that may be more advantageous, and which the United States government may consider more just to the United States. When Mr. Adams informed me of the result of the negotiations which had taken place between the President of the United States and the agents of the so-called Confederate States, I expressed to him a hope that when he should present to me the notice of the termination of the reciprocity treaty, I should find that the Congress and government of the United States would be ready to consider propositions, by which a small and limited armament might be kept up on the lakes, for the purposes of police at both sides; and also that a renewal of the reciprocity treaty, upon terms to be agreed upon by both parties, might be negotiated during the twelve months to elapse before the existing treaty ceased its operation. Of course, Mr. Adams was not authorized to give me any assurance upon the subject, but the words used induced me to trust that such an assurance would be given. I am sure your lordships will all be anxious that the relations between this country and the United States should continue as they are now, of a pacific and friendly character, [cheers;] and for my part I should be very sorry that anything should occur, or be done in this country, that would tend to prevent such a satisfactory result. But, my lords, I cannot but think that the expressions which have been used, and the speeches which have been made, may tend to excite in the United States a disposition unfavorable towards the end which we thus desire to see accomplished. I allude to speeches declaring that this country has behaved wrongfully to the United States, has given the United States just cause of complaint, and that an unfriendly spirit has been shown throughout these transactions. My lords, the obvious effect of speeches such as these must be that individuals in the United States who are in favor of hostilities with this country must know that there is in this country a party ready to take up the view that the United States are in the right, and, therefore, that they will be wanting in proper spirit and in proper regard for the national interests and the national honor if they do not complain loudly of the conduct of this country. I ask your lordships to attend for a short time to the statement which I have to make; because I cannot but think that the government of this country and this country itself have been wrongfully accused upon these various points. One of the chief complaints put forward is, that this country in a great hurry and without proper consideration granted belligerent rights to what are called the Confederate States. Now every one who knows anything of the law of nations knows perfectly well that although a country may put down insurgents who rise against its authority, yet that a country has no right or power to interfere with neutral commerce unless it assumes the position of a belligerent. [Hear, hear.] But that is what the United States did. The President of the United States by his proclamation declared that the coasts of particular States were in a state of blockade, and that armed vessel belonging to those States were to be treated as pirates. There came representations on this subject from her Majesty's minister in the United States, but in the first instance these merely covered despatches from Admiral Sir A. Milne, commanding her Majesty's squadron in those waters, asking how he was to treat the armed vessels of the two parties. At that time Lord Campbell held the high office of lord chancellor, and of course we consulted him and the law officers of the Crown as to what should be done. Lord Campbell declared, as we all supposed he would do, that there was no course but one to pursue, namely, to regard the blockade on the part of the United States as the exercise of a belligerent right. And as belligerent rights cannot be confined to one party, but are usually exercised against somebody else, our advisers told us that we were entitled to recognize the existence of belligerent rights on the part of both the combatants, and to declare her Majesty's neutrality between the two parties. [Cheers.] And this, accordingly, was the course which

we recommended. The proclamation in that sense was approved, if not actually drawn up, I believe, by my learned friend the present lord chancellor; and the course of neutrality thus adopted was certainly received with favor, and, I believe, commended itself to the sentiments of the country as the right course for us to take. It is said now that we ought to have awaited the arrival of Mr. Adams. I know not what Mr. Adams could say on the subject. If I had told my colleagues that we must wait for him and consult him I believe it would only have caused embarrassment in the relations between the two countries. He could scarcely have approved anything which we did short of taking the part of the north against the south. But, then, it is said, if the proclamation of neutrality was not altogether wrong, at any rate it ought to have been delayed, and that unfriendliness was shown in the manner of its promulgation. I conceive that there was nothing unfriendly, nothing uncourteous in the declaration; but, on the contrary, that it was the proper course for this country to declare at the earliest moment that it meant to take part neither with the north nor with the south, but to remain entirely neutral in the contest. [Hear, hear.] Be it observed also that from the issue of that proclamation, on the 13th of May, her Majesty's subjects were bound to take no part in the contest, and were warned that they would disobey her Majesty's injunctions if they gave aid to one side or the other. Your lordships all remember the affair of the Trent. It is said with regard to that affair, as with regard to the proclamation of neutrality, that the proceedings of the government were unfriendly and uncourteous, and I am accused, not for the first time certainly, nor probably for the tenth time, but with as little justice now as on any of the former occasions—of having had a despatch put into my hands which ought to have been published, because it contained an assurance on the part of the United States government that they did not intend to resist the delivery of the vessel and the commissioners. My lords, that was very far from being the case; and although Mr. Adams did bring me a despatch on that occasion, it was a despatch relating chiefly to other questions between the two countries, and merely ending with a declaration that if any demand were made upon the subject of the Trent that question would be fairly considered by the United States government. The despatch was not put into my hands, and therefore I could not publish it. Even had it been left with me, and had I published it, it would have given no satisfaction, because I certainly believed, and my noble friend at the head of the government also believed, up to the last moment, that it was entirely a matter of uncertainty whether the United States government would give up these commissioners, or whether they would refuse to do so, and withhold arbitration. And now as to the manner in which these demands were made. In the first place, I wrote to Lord Lyons, and begged him not to make any demands in the first instance, but to acquaint the minister with the nature of the despatches, and request that he would name a day when the despatches could be put into his hand, after consulting the President. That appeared to me the course which it was most courteous to take. And I am bound to say, in mentioning these facts, that there is one circumstance connected with them which does the highest credit to the memory, good taste, and discretion of the late Prince Consort. At the last moment, after her Majesty had approved the despatch, we received a letter from the Prince Consort, in which he said that some of the expressions used in the despatch might be considered too abrupt, and suggested other phrases, which he thought might make it more easy for the government of the United Sates to accept the request which it conveyed. These phrases were adopted by the government and embodied in the despatch, and, doubtless, tended in some degree to render the document more acceptable to the United States government, who were called upon by its terms to perform a duty in conformity with the law of nations and regarded by the people of this country as an act of justice. [Cheers.] But it is said that, while we displayed great haste in acknowledging the south as belligerents, we were guilty of great supineness in the case of the Alabama, and upon this point I have only to state that the evidence on this subject was furnished to us by Mr. Adams, and that the information which we received was immediately laid before the law officers of the Crown, and that on the very morning of the day on which they reported the Alabama left Birkenhead. On this question, however, I will say no more, because it may form a matter for discussion between the government of the United States and our own. I do not wish in any way to forestal that discussion, but I think I may say that we have done everything which either international law or the laws of this country demanded of us in order to prevent the attacks made on the trade of the United States by that vessel. There was, however, another case which was the subject of much discussion, and in respect to which considerable irritation was created. After the Alabama had sailed from Birkenhead other vessels were built, the construction of which amounted in itself to an armament, and furnished evidence of a hostile purpose. The owners of those vessels were in correspondence with Captain Bullock, the agent of the Confederate States, and we had every reason to believe that those iron rams were intended to break the blockade of the southern ports, which had been established. Now, it seemed to me that if those vessels were allowed to proceed from the port of Liverpool the utmost danger to the friendly relations existing between this country and the United States would have been the result. I could not conceive it possible that the United States would have allowed those armed vessels to break the blockade, which had been acknowledged by the authorities of this country, and not make demands with which we might not have found ourselves able to comply. I therefore took what was a very strong measure on this subject. I ordered those rams to be detained, and afterwards directed that they should

be seized for the purpose of preventing them from committing acts of hostility. We subsequently had placed in our hands the contract by which the agents of the Confederate States had agreed to sell those rams to M. Bravay, who said they were not intended for purposes of hostility against the United States. The question, however, remained to be tried, and we came to the conclusion that, though the moral evidence was complete, and though we believed the legal evidence to be complete, there might still be circumstances which would prevent a conviction from being obtained. I am, however, convinced that it would not only have been unfortunate, but that it would have been an ignoble and ignominious thing if we had been obliged to go to war, not for the honor of England, because that was not engaged; not for the interests of England, because they were not involved, but for the sake of private considerations, where no injustice had been done. I therefore regret very much that the noble earl opposite took the course which he has taken, and that he should have done everything in his power to prevent our stopping those vessels, which might otherwise have gone and broken the blockade. I will now say that there is every reason to hope that, as the ports of the southern States have been captured by the arms of the United States, many questions which have hitherto arisen as to the breaking of the blockade, the imprisonment of the crews of vessels, and several other questions touching the maritime rights of the two countries, will disappear, and that there will be the less reason to apprehend the occurrence of hostilities between us and the United States. I must at the same time observe that the impartial course which her Majesty's government has pursued has from time to time been impeded and endangered on the one side by those partisans of the north who were constantly stating that we were acting in a manner hostile to the north, and, on the other, by those who were as constantly violating the neutrality which her Majesty had proclaimed in the pursuit of their own private ends. But, be that as it may, I am satisfied that there is not the slightest pretence for saying that the course which the government has pursued has not been strictly neutral. To-morrow a new minister will set out from this country to represent her Majesty at Washington. We greatly lament that Lord Lyons is, owing to the state of his health, unable to return to his post. [Hear, hear.] There is no person to whom the country is more indebted for the wise, calm, and conciliatory line of conduct which he has pursued than that noble lord, who has never failed, at the same time, to maintain the dignity and honor of the country. Sir F. Bruce, who is about to take his place, has distinguished himself greatly by the firmness of his policy. He has acted in such a manner towards the Chinese government as completely to win their confidence, while his conduct towards the representatives of the other European powers has been such as to obtain their concurrence in every step which he has taken. Towards the British interests in China he has so acted that, while willing to listen to their complaints and to obtain redress for their just grievances, he has never shown himself prepared to support their unreasonable demands. That being so, he appears to me to be exactly the man whom it is desirable her Majesty should choose to represent her in the United States, and I hope that under his auspices the friendly relations between the two countries will be maintained. [Cheers.]

[From the London Times of March 24, 1865.]

HOUSE OF COMMONS, THURSDAY, MARCH 23.

THE CANADIAN FORTIFICATIONS.

The MARQUIS OF HARTINGTON, in rising to move the vote of £811,400 for superintending establishment of, and expenditure for, works, buildings, and repairs at home and abroad, said: I will not detain the House in replying to a question raised by an honorable member because it bears more upon the general subject of our relations with the United States than upon the details proposed by the government for the defences of Canada. I think it may be convenient to the House if I state, as shortly as I can, what are the views of the government. I trust I may be permitted, in the first place, to express a hope that the House will to-night discuss this question upon its merits solely, and not again enter into the consideration of the possibility of hostilities with the United States. [Hear, hear.] I do not feel called upon to express any opinion as to the wisdom and prudence of entering on discussions of that sort. It might, perhaps, be better that we should, on both sides of the Atlantic, frankly state what our fears and apprehensions of each other are, and it is possible the very discussion of the differences between us and our suspicions of each other might tend rather to improve our relations; but, on the other hand, I should be inclined to fear that words inadvertently uttered in the heat of debate might tend to excite animosities which might be productive of danger. Whatever may be the opinion of the House upon this point, there is one thing which I feel sure is not necessarily mixed up with this question—that is, our relations with the United States. The real facts of the case are these: Four years ago our North American provinces had upon their borders a very great nation—not then a great military nation, because the United States had the smallest standing army, perhaps, of any nation in the world. The people were the least turned to military matters, and their greatest men devoted themselves to the pursuits of peace and eschewed those of war. The United States, however, have be-

come a great military nation, and have command of armies as large as any which can be wielded by the great powers of Europe, and at the head of these armies are generals as able as any we know of. [Hear, hear.] Although our North American colonies cannot compete with the United States in size or commercial prosperity, yet they are, it must be admitted, a great nation, and are on the high road to be a still greater nation. These colonies profess a wish to remain independent and distinct from their great neighbors, the United States, and they also profess, in the most unmistakable language, their desire to maintain their connexion with this country. If such are their wishes, it seems to me that it is not strange they should desire to place themselves in such a position as not to be depending upon the forbearance of their great neighbors, however long they might imagine that forbearance might be extended. It seems to be only worthy the position of our North American colonies, and only worthy our position, so long as they belong to us, that we should do what we can to place their borders in a state of defence. Without the slightest expectation of the government of the United States meditating any attack upon our Canadian provinces, I do not see why we should not do what all continental nations do, namely, erect such works as are necessary to protect their frontier. Now, a good deal has been said about the great length of the Canadian frontier, but upon that point I need hardly say more than that it was never intended to maintain that frontier intact. [Hear, hear.] Not only would an attempt of that kind prove impracticable in the case of Canada, but it must always be impracticable in the case of any continental nation engaged in war with a powerful neighbor. What great nation is there in Europe, for instance, which cannot be invaded at any moment by a powerful neighbor, not at one but at many places? All, then, that can be done is to fortify the most vital points, and to trust for the expulsion of the enemy to such further operations as may from time to time be judged expedient. [Hear, hear.] If Canada be invaded by the United States or any other enemy, the invasion must either be made with the object of permanently annexing the country, or of inflicting upon our arms a humiliating defeat. If the object be the permanent annexation of the country, that can only be accomplished by the conquest of the whole country, and more especially by the reduction of the most important points. It can certainly never be attained by overrunning the country, though operations of that character may be very largely extended. Above all, to insure the annexation of Canada, it is necessary that the enemy should possess himself of the line of the river St. Lawrence, the great artery of the country. He must also possess himself of the points which command the navigation of that river, namely, Montreal and Quebec. If we, therefore, can place the line of the St. Lawrence and these two points which command its navigation in such a state of defence as to enable the Canadians to resist the attack of an enemy, it is reasonable to suppose that, if the object of the enemy be annexation, he will first of all endeavor to ascertain his chances of success at those points. Unless he can see a prospect of succeeding in those directions he will hardly think it worth while to incur the expense and the loss of so large a number of men as must necessarily follow a hopeless attempt. It seems to us, therefore, that by insuring the efficient protection of these places, we are really providing for the protection of the whole of Canada. If, on the other hand, his object be the defeat of our arms, it is obvious that the construction of proper works of defence will enable our troops, assisted by the Canadian militia, to make a successful resistance against very superior forces, and even if overcome by superior forces, the fortifications, accompanied by the command of the St. Lawrence, will always enable our troops to embark with safety. The plan recommended by the government for the defence of Canada entirely depends upon our naval superiority on the St. Lawrence. I will not now enter into the conditions which are necessary for the preservation of that superiority. That is a question which comes more particularly within the province assigned to my noble friend, the secretary for the admiralty. I think it is hardly reasonable in us in this country to hope that we shall be able to maintain our naval superiority on the St. Lawrence, in case of a war with a nation like the United States, possessed of so powerful a navy. The first point at which we propose to erect fortifications, and the only place for which the House of Commons is now asked to vote any money, is Quebec. As the House is aware, Quebec is already well fortified, and is, I believe, really a place of strength, except that, like a great many other places formerly regarded as being beyond the reach of cannon, it is now exposed to the bombardment of cannon of long range. As was pointed out by the right honorable gentleman, the member for Calne, (Mr. Lowe,) the other evening, the fortifications of Quebec can be bombarded and the town shelled from Point Levi, on the south side of the river St. Lawrence. It is on that very point that the government propose to spend nearly all the money which the House of Commons is asked to vote. It is proposed to form detached works, which will, however, be connected by a military road, and will form a sort of intrenched camp, partially protected by our gunboats on the river. A small portion of the sum asked for will be expended upon the improvement of the existing works at Quebec, still in a tolerable state of repair. The attack, however, from Point Levi is the only attack which it is considered the United States could make, and therefore the only point upon which it is thought necessary to spend any large sum of money. The works will, in a great degree, resemble the land defences which have recently been constructed in this country. At Montreal, too, the defences will be of a somewhat similar character. It is proposed to form a series of works, forming an intrenched camp, on the south side of the river St. Lawrence—works which will prevent the enemy from making an attack upon Montreal by means of the Victoria bridge, and also prevent his approach to any point

from which he could command the town with his artillery. It is expected that the Canadian government will undertake the defence of this place, and that, as far as the protection of the river St. Lawrence is concerned, the expense incurred by the imperial government will be confined to the defence of Quebec and to maintaining the necessary naval force upon the river. Now, sir, there are other works in the neighborhood of Montreal, but it will be unnecessary for me to take up the time of the committee by describing them. It is frequently said, in discussions on the subject of fortifications, that our troops would be cooped up behind earthworks. The object of those fortifications is, undoubtedly, to a certain extent, to enable a comparatively small number of our forces to resist the attack of a much larger body; but the main object of their construction is not so much the protection of our troops as the protection of those points which are considered essential to our interests; and I have already said that in my opinion it would not be worth an enemy's while to attack Canada unless there were a probability of his succeeding at these points. In addition to the purposes which I have enumerated, behind these works can be collected not only our own troops, and the volunteers and militia already enrolled, but the whole levy of the country can find shelter behind the walls, and there be drilled and organized as far as the time at command will permit. I have described the nature of the works which we propose to erect. It is said that no works that we can construct can hold out against a large force, and that our troops, aided by every assistance they can receive from the Canadian militia, will not be able to hold these works against the forces which the United States would be able to bring against them. Now, I believe that works of the nature such as I have described could be made capable of holding out, if not forever, at least for an indefinite period, because it must be recollected that the capability of defending such fortifications depends upon the question whether they be completely invested or not. If we have a naval superiority upon the river it is impossible that these works should be completely invested. Therefore, I maintain that such works as we propose could be held for a long time against a superior force. Further, I believe that it will be impossible for any army to carry on military operations in Canada for more than six months of the year. It is quite true that various opinions have been expressed upon that point, and reference has been made to the campaign of General Montgomery, in which during a rigorous winter he made an attack upon Quebec. Now, the history of that campaign seems to me to be rather an argument in favor of our views than otherwise. It is true that General Montgomery did with a small force march across the country in the winter, and did make a sudden attack upon Quebec; but will the House allow me to quote a passage from Sir J. Carmichael's Précis of the Wars in Canada? They will find that any attack upon Quebec was not in those days a very formidable operation; and they will also learn what was the result of attempting such an operation in the middle of winter. In the book I have referred to I find this passage:

"The garrison of Quebec consisted of only one company; to these were added the seamen and marines of a sloop-of war and the inhabitants of the town. The latter, both French and English, were armed, formed into companies, and showed great zeal and alacrity at this important crisis. Governor Carleton, in all, had about 1,600 bayonets. The season and the want of heavy artillery prevented the Americans from making any impression upon the defences of Quebec. It was evident that the former would not permit them to remain much longer in their situation. Governor Carleton had refused to receive a flag of truce or to enter into any sort of negotiation with them; it was, therefore, necessary either to retire or to get possession of Quebec by an escalade."

The House knows the result of the attempt. General Montgomery was killed, and his troops retired in confusion. That very event, which is used by some persons to prove that siege operations in Canada can be carried on in winter, seems to me to prove the very reverse. Quebec was defended only by a small force, with only one company of regular troops, but General Montgomery, with a superior force, was prevented by the severity of the weather from undertaking any siege operations, and was therefore compelled to make a rash and almost hopeless attempt to take the place by assault, in which he failed. The opinion of the Canadians themselves upon this point is worthy of our consideration. I have lately received a speech delivered in the legislative assembly of Canada by a gentleman who is well known to many members of this house who have been in Canada. I refer to Mr. Rose, who, although not now a member of the government, has held office in that country. That gentleman is member for the city of Montreal, he knows that country well, and he also has visited the American armies and knows what operations they are capable of. Mr. Rose says:

"Honorable members must remember that it is impossible to have more than a six months' campaign in this country. And supposing you were to erect works before which an enemy was compelled to sit down in the month of May, it would take him fully three months before he could bring up his supplies and siege train and protect his communications, and by the time he was ready to make a determined attack he would be overtaken by winter, be compelled to raise the siege and to go into winter quarters. In truth, our winters are our safeguard and defence."

He goes on to say:

"If, therefore, we can only by manning certain salient points in the country prevent the progress of invasion we are safe."

While I am quoting from Mr. Rose's speech I should wish to add one more extract to show

what is the opinion of the representative of a most important constituency, and what is the feeling in Canada as to those defences. Mr. Rose says:

"I am sure that no member of this house, no man in this country, would hesitate, if need were, to put his hand into his pocket and give a tenth of his substance for the construction of the works required to protect the country from the ravages of the aggressor, and to secure to ourselves the inestimable blessings derived from living under the British flag." [Hear, hear.]

That is the opinion of a member whose judgment is well entitled to have weight with this house. Then as to the fact I have mentioned, that military operations on a large scale cannot be carried on in Canada during the winter—that is admitted by the Americans themselves. I do not deny that small bodies of troops may be marched from one point to another. I do not even deny that an enemy might remain in huts in front of works; but I do deny that during a severe Canadian winter an enemy could make any progress against such works as we propose to construct. Another point which has been alluded to is the possibility of our providing a sufficient number of troops to man these works. The calculation which I am about to read is, of course, a rough one, but I believe it to be sufficiently accurate for the purposes of the discussion. It is considered that the number of men that would be required for the defence of works at Quebec and Montreal would be about 12,000. That is the number that would be sufficient for garrisons, but in case the attack was fully developed it would be desirable to have at least 35,000 men. There should, further, be a movable force of 20,000 or 25,000 men to harass the enemy whenever opportunities should arise The total force that would be required for the defence of the lower St. Lawrence to Montreal would be 60,000 men. That is not a force which we need despair of getting for the defence of these works. We could easily send out from this country 20,000 troops. There are already 20,000 volunteers enrolled and organized in Canada, and preparations are made to raise 80,000 militia. Those men are already designated, and under the law of the country are required to turn out when called upon. As the committee knows, a sum of money has been voted for the organization of the militia; the officers have to a considerable extent been drilled, and the Canadian government has now applied to us to send them officers to assist in organizing the militia. I have now stated what are the works we propose for the defence of the lower St. Lawrence. I admit that it is quite possible that inhabitants of the western provinces of Canada may consider that this scheme does not provide sufficiently for their defence. They may wish very naturally that some measure should be taken to prevent an enemy from occupying and overrunning those western provinces. I admit that it is possible they may hold that view, and I think very fairly, and Colonel Jervois has prepared a scheme for the defence of those western provinces of Canada. I believe the scheme to be perfectly practicable, but, of course, it involves a greater expenditure, and requires a larger force of men. I have stated that we consider that, if once we can put in a proper state of defence the line of the lower St. Lawrence, it will not be worth while for an enemy to invade Canada. That is the view of her Majesty's government; but, of course, it is a question for the Canadian government to consider whether they will take the additional measures of defence which are indicated to them for the other provinces. They have only postponed the consideration of their further plans until the project for a confederation has been accomplished, as it has not been thought right to pledge the future confederation to a larger outlay than might ultimately be found to be necessary. Until the Canadian government have announced their intentions upon the subject of the defence of western Canada, it is not necessary that I should enter into any detailed explanation of the plans proposed to that end. I believe, however, that it is a rational and practicable plan—one that would neither involve any very large amount of money for the construction of the works, nor require any very large force for their defence in time of war. I will only further detain the committee by briefly alluding to other plans that have been suggested for the defence of Canada. I need say nothing of the views of those honorable gentlemen who think that it is impossible to defend Canada, and that therefore it is impolitic to take any steps with that object in view. Those gentlemen adopt a very intelligible line of argument. They say the only source of danger to Canada arises from her connexion with this country. They add that this country is powerless to defend Canada in time of war, and therefore it is better we should say to the Canadians in time of peace, "We cannot undertake your defence, but we will relieve you of the danger which arises from your connexion with us, and we advise you to keep on good terms with the United States, and not to provoke hostilities with that country." That is an intelligible line of argument, and if the committee think that the allegations upon which it is based are true, then I hope it will at once say so, and will not wait to declare its opinions until we have induced the Canadians to spend a large amount of money, and to raise a large body of men. [Hear, hear.] There are others who do not wish to abandon Canada, [hear, hear,] and who say that the measures we propose for the defence of the country are not such as they approve. [Hear, hear.] There are, again, others who say that the best mode of defending Canada is not to defend her frontiers or any particular points, but rather to withdraw all our troops from the country and trust to our own powers of aggression upon the enemy's frontiers to make him loosen his hold upon Canada, to relinquish any attempt at invasion, and to restore any territory which he may already have captured. Well, that would be a very plausible argument if those who use it could show what points in the United States are so vulnerable as to admit of our at-

tacking them with a fair prospect of success. [Hear, hear.] It is well known to the House that for several years past the Americans have been busily employed in fortifying their most vulnerable points; they have erected fortifications at all their great harbors; and even supposing that our navy could make an attack on those harbors and land 40,000 or 50,000 men, would it not be in the power of the United States, possessing such an army as they do now, to send 100,000 or 150,000 men into Canada, against whom no resistance could be made? [Hear, hear.] And we know that at the conclusion of a war to call upon one of the belligerents to give up a territory which he has completely occupied is a different thing from calling upon him to give up a territory which he has only partly overrun. [Hear, hear.] On the whole, I submit that the advocates of the other system have got to show much more clearly than they have shown yet where those weak points are to be found by an attack upon which, with a smaller expenditure of money and with fewer men, we should be able to defend Canada in case of emergency. [Hear, hear.] I believe that the majority of this House and the majority of the country do not agree with those who wish to give up our connexion with Canada, [hear, hear;] or with those who wish to defend Canada by refusing to fortify the Canadian territory. [Hear, hear.] I hope that the proposition of the government will be fully and calmly considered to-night. If it be so considered, I think the opinion of the House will be that the proposal is a reasonable one, affording every prospect of success, and calculated to meet with the approval both of the Canadians and the people of this country. [Cheers.] The noble marquis concluded by moving the vote of £811,400 for works, buildings, and repairs at home and abroad.

Mr. BENTINCK, in moving that the item of £50,000 for the improvement of the defences at Quebec be omitted from the vote, said he should discuss the question in the spirit in which his noble friend the under-secretary for war had asked him to discuss it. He fully admitted what he believed to be the feeling of the country, that Great Britain was bound to maintain at any cost the integrity of the Canadian frontier; and it was in no opposition to that view he was about to make his remarks. He wished to observe, also, that except in one particular, to which he should presently allude, he thought that the report of Colonel Jervois, who bore the highest reputation as a military man, was worthy of the credence of Parliament and the country. He was desirous of saying, likewise, that he had no wish to embarrass her Majesty's government in the conduct of what must be a most difficult and delicate affair. He could not be held guilty of raising the question of the probability or the possibility of hostilities between the United States and this country, because the vote before the committee raised it, and he could not discuss that vote without considering the question so raised. His first ground of objection to the item for the improvement of the defences of Canada was that, in the unfortunate event of a war between this country and the United States, this was not the right mode of defending the Canadian provinces. As he had stated on a former occasion, if we were to defend Canada at all it could only be done by sea; any attempt to defend Canada by land would be only a waste of men and money. He had stated his views on this subject when the navy estimates were before the House, but he had not said that if a war should arise between England and the United States we should put a stop to it by starving those States. What he had stated, and now repeated, was, that a war between two great countries, more especially countries like the United States and Great Britain, never could be brought to a termination by one or two great battles, but must be brought to an end by the financial or commercial exhaustion of one or other of the belligerents. He maintained that history bore him out in this view. As to the particular argument in the report of Colonel Jervois which was adopted by his noble friend, but from which he dissented, he thought he again had history in his favor, and that it was against the view of Colonel Jervois and his noble friend. The gallant colonel said that in the place of which he was writing military operations could only be conducted during six months of the year, and that, if we could erect and maintain such defences as would protect that portion of Canada against invasion for six months, for the other six months our labors were at an end. Now, he begged to deny that the passage which had been quoted, describing the siege of Quebec, afforded any proof whatever that a winter campaign could not be carried on in that country; he went further, and asserted that it afforded indubitable proof that it could be carried on. If his noble friend had read a little further he would have seen that the failure of the attempt was to be attributed to a chance shot which killed the general of the invading army. Whatever facilities might have existed for carrying on a winter campaign in 1775 were vastly increased now by the opening of railways, which were available all the year through. In fact, the difficulties of a winter campaign were, to a great extent, done away with. The noble lord forgot to mention that an invasion now, instead of being by 10,000 or 20,000 men, would be carried on by 100,000 or 200,000 men. That which was possible in 1775 could be done now with the greatest facility, and his noble friend was greatly mistaken, therefore, in assuming that there would be six months' respite in the war. But not only was Quebec not exempt from attack during six months in the year, but there were six months in the year, on the contrary, when, fighting as we should be, under the enormous difficulty of having to carry our re-enforcements and supplies across the Atlantic, it would be impossible for us to throw re-enforcements and supplies into Quebec. That appeared to him the strongest argument against any attempt to erect defensive works on the Canadian frontier. Such an attempt would only end in a complete waste of money, without affecting the result of the war. But, assuming for the sake of argument that the proposed

mode of proceeding was the correct one, were we going to work in the right way to carry out that suggestion? He believed not. His noble friend asked for £50,000 for commencing the defensive works in Canada, and no doubt he would tell them in the course of the discussion that he had asked for all which could be spent in one year. If that were the case, nothing would tend to show the utter hopelessness and absurdity of the proposal more than the fact that, owing to circumstances, they could only lay out £50,000 in the first year, and that it would take two or three years before the plan could be carried out. Certainly, if ever the contingency of a war with the northern States of America did arise, they would hardly be kind enough to wait until our system of fortifications was complete. If ever that unfortunate contingency should arise, it would as likely as not arise long before those fortifications were complete. Was it not, then, absurd to come down to the House and ask for money to commence works which might take three or four years to complete, and which were intended to meet a contingency as likely to occur within four months as four years? The whole scheme was utterly unworthy of the consent of Parliament. He objected, too, to the works, not only because they were inadequate to the defence of the Canadian frontier, but because they were likely to be a source of irritation in the northern States. [Hear, hear.] They were a great deal more likely to precipitate hostilities than to avert them. If the government really thought that it was necessary to take steps for the defence of the Canadian frontier, and if the House agreed in that opinion, he should be the last man to throw obstacles in the way; but he contended that it was most unbusinesslike to come down and ask for money which was to be spent in driblets, and was more likely than anything to create the emergency which was deprecated. Assuming, however, that his noble friend was perfectly correct in his suggestions, and that the plan he proposed was founded on the best information, and ought to be adopted, then after all it was only a portion of the scheme for the defence of the frontier. Fortifications without men were of little use, and it was to be presumed that the government had considered this question of manning these fortifications. It was said that 60,000 men would be required for the defence of the frontier, and that we were to give from 10,000 to 20,000. He should wish, first of all, to be informed by his noble friend where these 10,000 or 20,000 men were to come from. It had been stated in the House, and the government had not contradicted it, that we had not sufficient troops to furnish the requisite reliefs for the colonies, and that the difficulty would be increased greatly in a couple of years, when the regiments sent to India for the mutiny would have to be brought home. Where, then, were these 10,000 or 20,000 men to come from? Then we were told that this was to be a joint scheme of defence between the mother country and the colony. He wanted to know whether, if this scheme were adopted, there was any agreement which would bind the colonists to carry out their portion of it, because, according to the report of Colonel Jervois, a very large sum would be required to do that. Was the colony willing to construct the forts required, and to go to the expense of raising and keeping in an efficient condition the number of men that would be necessary to garrison them, and also a sufficient standing army? [Hear, hear.] These were points which the government ought to clear up. He came now to what, in his opinion, was the most important part of the case. His noble friend had said that this country hoped to maintain her naval superiority. They all hoped that. But in the report with which Colonel Jervois had furnished the government, and which he believed was the foundation of the present scheme, that officer, in summing up his plans of defence, had stated that the most important part was the arming of the rivers and lakes with iron-clad gunboats. [Hear, hear.] That statement of Colonel Jervois had been accepted by the noble lord, and it was admitted on all hands that those iron-clad gunboats, and a number of them sufficient to cover the whole river St. Lawrence upwards to the further part of the lakes, were indispensable. When the House was asked to vote a sum of money for the commencement of a scheme of this character, assuredly they ought to have some information as to how they were to provide for the most essential part of the design. [Hear, hear.] We did not possess, at this moment, such a thing as an iron-clad gunboat. There were old wooden gunboats rotting in the yards since the time of the Crimean war; but the government, acting on the plan of doing everything at the last moment, had neglected to provide iron-clad gunboats. Colonel Jervois, however, had distinctly stated that they must have such gunboats, and of a superior description. Now, the committee had a right to demand an answer from her Majesty's government as to where these gunboats were to come from, and whether any preparations were being made for their construction. [Hear.] Was his noble friend, the secretary to the admiralty, after the chancellor of the exchequer had slipped his budget through the House with the greatest rapidity, to come down and ask a sum of money for the construction of these gunboats, or was there any other arrangement? Such gunboats as Colonel Jervois referred to were not to be constructed in a week, or a month. He should be glad to hear what length of time would be required to construct a sufficient number for the defence of Canada upon the plan proposed. The committee had a right to call upon her Majesty's government to give a positive assurance that these gunboats were, or were about to be, put in hand, and that by the time the fortifications were completed they should have enough both of gunboats and of men ready to play their part in the defence of Canada. [Hear, hear.] There was only one point more. He would ask the government to bear in mind that they were about to take no trifling step when they asked for this vote of £50,000, but one the consequences of which no man could venture to calculate,

either as regarded ourselves, or the influence it might have upon the defence of Canada. [Hear, hear.] He thought, with all deference to the committee, that they ought to pause before assenting to this vote; that they ought to have better information, in the first place, as to where the men were to be found, and, in the next place, as to the gunboats. He feared they were about to embark without sufficient advice and consideration upon a measure which, if it failed, might ultimately lead to a great disaster both to the honor and interests of this country. [Hear, hear.] He begged to move the omission of the sum of £50,000 for the defences of Quebec from the vote. [Hear, hear.]

General PEEL. Although a great deal of the interest and importance attached to this vote has been already forestalled and anticipated by the debates which have taken place upon the subject of Canada, I shall, with the permission of the committee, offer a few remarks on the subject now before us. In the course of previous debates the House has, I think, expressed its opinion, with a degree of temper and moderation which does it the greatest credit, to the effect that, without casting the slightest doubt upon the good intentions or honor of the American government, this country has come to the determination that, if Canada be attacked by anybody, that attack should form a *casus belli*, [cheers,] and that she would be defended with the whole strength of our armament, to be employed in such a manner as should be most beneficial to her interests. [Renewed cheers.] This I take to be the opinion of, at all events, the majority of this house, and, I am sure, of the majority of this country. [Cheers.] Entertaining this opinion myself, I shall now come to the consideration of the merits of the scheme proposed by her Majesty's government. If I were to look at the proposed fortifications of Quebec merely with reference to the report of Colonel Jervois, I should incline to say that they were rendered necessary for the safe retreat of her Majesty's forces in Canada in case it should be invaded, and I should look upon the position of our troops in those fortifications in much the same way as the minister looked upon that regiment of volunteers whose colonel wrote to say, upon the breaking out of war, that they would not under any circumstances leave the country, and the reply of the minister was that he was quite satisfied provided they made one exception, and that was in case the country was invaded. [Laughter.] If that be the case with regard to the position of our troops in Canada, why you had better at once secure their safety and save your own money by withdrawing them, and adopting the principle of leaving the inhabitants to their fate, and seeking some other battle-field upon which to avenge their cause. [Hear, hear.] That is no new scheme at all, nor has anybody in the course of these debates had the merit of making this suggestion for the first time. More than two years ago, in 1862, Sir Francis Head, who is some authority upon this subject, after describing, in the first instance, the great extent of the frontier you will have to defend, goes on to say:

"Now, over such an enormous expanse of land and water, instead of our despatching troops, vessels, and ammunition to engage, not in regular warfare, but in an endless, costly, and ignominious game of 'hide and seek,' in which we might possibly lose more than we should be permitted to capture, let England proclaim that so long as Canada shall unequivocally evince the loyalty and attachment to Great Britain which have hitherto distinguished her, any unjustifiable invasion of her territory by the army of the adjoining republic shall, in the first instance, be instantly resented, not on her own soil, but by an infinitely cheaper and more efficacious punishment elsewhere. Thus, if the army of the government of the northern States fire Toronto and Hamilton, let England, instead of troubling herself to extinguish those distant flames, bombard and burn Boston and New York. If Canadian vessels are attacked on fresh water, let the injury be promptly avenged by the British navy throughout the 'wide, rude,' salt, aqueous surface of the globe."

That might be very good advice merely in a military point of view, but there were other points of view. It would be very bad consolation for the inhabitants of Toronto and Hamilton who had been bombarded and burnt on your account to tell them that you intended to burn and bombard Boston and New York—which you would find it very difficult to do. [Hear, hear.] I think our position with regard to the Canadians, if we abandon them, would be very like that of the absentee landlord to his steward when the latter wrote to say that in consequence of his arbitrary and oppressive treatment his tenants had threatened to murder him, and the reply of the landlord was, "Tell the scoundrels if they think to intimidate me by shooting you they are very much mistaken." [Laughter.] I suppose we are to instruct the Canadians to tell any aggressor that if they think to punish England by massacring them they are very much mistaken. Now, I am totally opposed to this policy of abandoning the Canadians. [Hear, hear.] So long as they continue faithful subjects of her Majesty, and are prepared to defend themselves from aggression, I think that by every tie of blood and by every consideration which can actuate a great nation we are bound to protect them. [Cheers.] I attach value to this vote, because I look upon it as a declaration on the part of England that if Canada is attacked she will not be left to defend herself alone; and as that declaration will come from the House of Commons in the name of the English nation, I trust it will be more faithfully kept than other declarations which have been made of late to other countries. [Loud cheers.] Still, sir, the question remains as to the merits or demerits of the plan proposed. Now, nobody can have a higher opinion of the ability of Colonel Jervois than I have. So high is my opinion of him, that I feel perfectly certain that if he had had the least idea that a confidential report to the secretary of state for war would have been laid on the table

of this house, he would have accompanied it by those explanations which the secretary of state would no doubt obtain from him in private. [Hear, hear.] He would not have thought of publishing to the world the bare fact that the British troops are placed in Canada very much like scare-crows, and will be at the mercy of any assailant. [Hear.] As to the merits of the scheme, looking to the great extent of frontier, which it is impossible to defend, it is evidently of the last importance to prevent the enemy from taking possession of vital points in the country. You can only do this by means of fortifications, and I think it would be most unwise not to have recourse to them. In my opinion, Colonel Jervois's report is much strengthened and supported by the fact that the Canadians are ready to undertake their proportion of the proposed works. I look upon them as a very sensible and intelligent people, and they have among them military men quite capable of judging of the sufficiency of these fortifications. If, therefore, they undertake their share, we may rest assured that these are very good and necessary works of defence. There remains, however, a question which has been alluded to, but has not yet been answered, Are the Canadians to carry on the works at Montreal themselves? Are the Montreal works to be carried on simultaneously with those at Quebec? and if the Canadians should find any difficulty in providing the money, will they be assisted by loan or by guarantee? In point of fact, is our undertaking to provide for the defences of Quebec dependent upon the performance by the Canadians of their part of the agreement? The government has been, with much justice, complained of for having been two or three years in possession of Colonel Jervois's views upon this subject, and yet having taken no steps whatever to secure the safety of Quebec; for allowing valuable time to be wasted, and then, when the necessity is pressing, proposing to spend so small a sum as £50,000 in the course of the present year. [Hear, hear.] The answer of the government is, that so long as the Canadians did not show any disposition to defend themselves it was useless for us to do so. But I cannot help thinking that the government are themselves to blame for any backwardness which has heretofore existed on the part of the Canadians in this matter. It is all owing to the great mistake you made in sending out in such a hurry some 10,000 or 12,000 men at the time of the Trent affair. In my opinion this was a mistake, both as regards the Americans and the Canadians. It was a mistake as far as the Americans are concerned, because it was treating the American government with suspicion, as though they would not of their own motion pursue a course which was dictated by justice and by the law of nations. [Hear, hear.] You ought to have waited till they had refused compliance with the proper and the peremptory demand you made upon them for the return of the prisoners taken from under the protection of your flag. [Hear, hear.] This is one of the cases in which I think a minister should carry out in his public policy the same principles which he would act upon privately. If a neighbor's servant committed against me an improper and wholly unjustifiable act, I should not go to his master for redress with a pistol in one hand and a horsewhip in the other, [hear;] I should express my belief that he would be very happy to have the opportunity of repudiating the act of his servant, and of doing me justice. [Hear.] But you never gave the Americans the opportunity of doing justice to you with credit to themselves. [Hear, hear.] You almost rendered it impossible for them to subdue that feeling of irritation and excitement which prevailed in their country, owing to the manner in which you made the demand upon them. [Hear, hear.] I know it is said by a great many people that it was owing to the spirited conduct of the noble lord that a war was prevented upon that occasion. But depend upon it that if the American government were not actuated by a sense of justice on that occasion—if they gave way merely because it was not convenient for them to go to war with you at that particular moment—you have not prevented war; you have only postponed it till it is convenient for them to make a similarly spirited demonstration. [Hear, hear.] It would have been better to have thrown upon them the responsibility of entering into an unjust war by refusing to act in accordance with the law of nations, and to give up the prisoners improperly taken by them. You would then have had with you the whole of this country to a man, and you would have had, at all events, the acknowledgment of every other nation that you were in the right. It is perfectly evident, therefore, that if the American government, in which you now place such confidence—I hope with good reason—were then ready to have acted justly, it would have been far better not to have sent troops to Canada. On the other hand, if the American government were not prepared to have done this, there was still greater reason why you should not have sent troops to Canada, for, according to Colonel Jervois—

"It is a delusion to suppose that that force," meaning the regular force now maintained in Canada, "can be of any use for the defence of the country without fortifications to compensate for the comparative smallness of its numbers. Even when aided by the whole of the local militia that could at present be made available, it would, in the event of war, be obliged to retreat before the superior numbers by which it would be attacked; and it would be fortunate if it succeeded in embarking at Quebec, and putting to sea without serious defeat."

I need not remind the committee that at the time these troops were sent out to Canada no fortifications or defences were available there, and therefore a great mistake was committed as regards the Americans. But the mistake was no less serious as regards the Canadians, because you led them to believe that you were prepared to undertake the entire defence of the country against any attack made upon them on your account. [Hear, hear.] And it would have been no wonder if this feeling existed. The quarrel was yours, not theirs, and

we can't be surprised if they desired to throw the whole burden of their defence upon your shoulders, thinking it a sufficient hardship if their country were made the battle-field throughout the war. I say it was natural, then, that they should show no great anxiety to be ruined on your behalf. But now the case is different. It is certain that the Canadians are prepared to make every effort in their power for their own defence, and I think you are bound to assist them. [Hear, hear.] I do hope that if ever they should be assailed they will be able, with your assistance, to maintain their independence, and I never will believe that her Majesty holds any portion of her dominions by the forbearance of a neighboring power. [Cheers.] I trust that so great a calamity as war with America may never occur, and I am certain that, whatever causes of dispute may occur between the two nations, no occasion for war will arise if those differences are treated in the spirit which ought to prevail between two great nations. At the same time, while we have no right to complain of any act done by the Americans in order to secure themselves from attack upon their Canadian frontier, neither ought the American government to be in the least annoyed at the fortifications now proposed. By their very nature they are for defence, and not for aggression; and as for this vote, it is rendered absolutely necessary for the reconstruction of the defences of Quebec. The only ground of surprise is that such a work should not have been completed before, without any reference to apprehended attack on Canada. [Hear.] I shall, therefore, give my vote for the sum proposed by the noble marquis, and I take it for granted that if this sum is voted the House of Commons will stand pledged for the completion of the whole work—that is to say, the government will at once be able to enter into contracts for its completion; at all events, to the extent of the sum mentioned in the margin; for no contractors will supply the necessary plans if the sum now voted may be the limit of expenditure, and if there is a possibility that next year the House will refuse to proceed with the works. [Hear, hear.]

Mr. BUTLER JOHNSTONE thought it would have a bad effect in Canada if, for any reasons, the proposed vote should be rejected, and he confessed that he felt the deepest disappointment at the smallness of the sum which the government proposed to take for the defences of Canada. [Hear. hear.] Still, he believed that by the expenditure of the £50,000 Quebec could be made, through the means of earthworks, more defensible than at present. He conceived that more money ought to be expended by the government in enabling the Canadians to carry out the great works of railways, by which their sparse and scattered population might be gathered together on emergencies. He concurred in thinking that this country, if ever it went to war with America, must trust in a great measure to the enterprise of its seamen, and therefore it was a great mistake that Bermuda and Halifax had not been put in a proper state of defence. It was from the latter place that, by means of a railway joining Quebec, provisions and materials of war might be conveyed to the British troops. The weak point in the American armor was not on the American frontier, or in the Atlantic, but it was in the Pacific, and he looked in vain for any vote in the estimates for defences on the Pacific side. At present British cruisers in the Pacific went to San Francisco to refit; but if that port were shut they would be obliged to go to Valparaiso, for there was no other point where they could refit; but a capacious harbor in Vancouver Island might be made a safe place for refitting the vessels. He would even go further, and say Hong-Kong and points in Australia should be placed in a state of defence. He admitted that great expenditure would be required for what he suggested, but so long as this country maintained the position of a great empire it must be ready to bear the accompanying liabilities. Nothing had been done of late years to put the British possessions all over the world in a proper state of defence. Parliament had not grudged £9,000,000 for fortifications in this country, and Canada, it should be borne in mind, was part of the British empire. A defeat in the Atlantic or Pacific would wound the honor of England as much as if it occurred in the British Channel or the Thames. For these reasons he was of opinion, without meaning that a huge vote should be proposed, that something should be done to place the British possessions all over the world in a proper state of defence. He was ready to assent to the proposed vote of £50,000, and though he regretted that it was not larger, still he hoped it would have some good effect in showing that this country was willing with all her resources to defend Canada. [Hear, hear.]

Major ANSON said that though this country had had colonies to defend before now, yet England had never been placed in the same position as she was at present with respect to Canada. In case of war with America she would have to carry on operations at a distance of 3,000 miles, with the communications closed for six months of the year, and would have to defend a frontier of 600 miles. [Hear.] It was proposed to defend three points—Quebec, Montreal, and the peninsula of Toronto; and at each, British troops were to be placed. To provide those troops with the necessary supplies the communications with them must be kept up, and the geographical position of Canada was such that the whole frontier must be defended to keep up the communications. A force of 100,000 men would be required between Quebec and Montreal, and another force of 100,000 men between Montreal and Upper Canada. If a war should break out the Americans had hundreds of thousands of veterans ready to fall upon Canada, and even with the force of artillery which this country possessed it could hardly claim to compete with America. He believed that the American army had a larger proportion of artillery to the number of men than any other army in the world, and they had, besides, siege, transport, and commissariat trains. On the other hand, the means of transit to the frontier on the Canadian side were limited, and it was impossible for this country to dream

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"It is a delusion to suppose that that force," meaning the regular force now maintained in Canada, "can be of any use for the defence of the country without fortifications to compensate for the comparative smallness of its numbers. Even when aided by the whole of the local militia that could at present be made available, it would, in the event of war, be obliged to retreat before the superior numbers by which it would be attacked; and it would be fortunate if it succeeded in embarking at Quebec, and putting to sea without serious defeat."

I need not remind the committee that at the time these troops were sent out to Canada no fortifications or defences were available there, and therefore a great mistake was committed as regards the Americans. But the mistake was no less serious as regards the Canadians, because you led them to believe that you were prepared to undertake the entire defence of the country against any attack made upon them on your account. [Hear, hear.] And it would have been no wonder if this feeling existed. The quarrel was yours, not theirs, and

we can't be surprised if they desired to throw the whole burden of their defence upon your shoulders, thinking it a sufficient hardship if their country were made the battle-field throughout the war. I say it was natural, then, that they should show no great anxiety to be ruined on your behalf. But now the case is different. It is certain that the Canadians are prepared to make every effort in their power for their own defence, and I think you are bound to assist them. [Hear, hear.] I do hope that if ever they should be assailed they will be able, with your assistance, to maintain their independence, and I never will believe that her Majesty holds any portion of her dominions by the forbearance of a neighboring power. [Cheers.] I trust that so great a calamity as war with America may never occur, and I am certain that, whatever causes of dispute may occur between the two nations, no occasion for war will arise if those differences are treated in the spirit which ought to prevail between two great nations. At the same time, while we have no right to complain of any act done by the Americans in order to secure themselves from attack upon their Canadian frontier, neither ought the American government to be in the least annoyed at the fortifications now proposed. By their very nature they are for defence, and not for aggression; and as for this vote, it is rendered absolutely necessary for the reconstruction of the defences of Quebec. The only ground of surprise is that such a work should not have been completed before, without any reference to apprehended attack on Canada. [Hear.] I shall, therefore, give my vote for the sum proposed by the noble marquis, and I take it for granted that if this sum is voted the House of Commons will stand pledged for the completion of the whole work—that is to say, the government will at once be able to enter into contracts for its completion; at all events, to the extent of the sum mentioned in the margin; for no contractors will supply the necessary plans if the sum now voted may be the limit of expenditure, and if there is a possibility that next year the House will refuse to proceed with the works. [Hear, hear.]

Mr. BUTLER JOHNSTONE thought it would have a bad effect in Canada if, for any reasons, the proposed vote should be rejected, and he confessed that he felt the deepest disappointment at the smallness of the sum which the government proposed to take for the defences of Canada. [Hear, hear.] Still, he believed that by the expenditure of the £50,000 Quebec could be made, through the means of earthworks, more defensible than at present. He conceived that more money ought to be expended by the government in enabling the Canadians to carry out the great works of railways, by which their sparse and scattered population might be gathered together on emergencies. He concurred in thinking that this country, if ever it went to war with America, must trust in a great measure to the enterprise of its seamen, and therefore it was a great mistake that Bermuda and Halifax had not been put in a proper state of defence. It was from the latter place that, by means of a railway joining Quebec, provisions and materials of war might be conveyed to the British troops. The weak point in the American armor was not on the American frontier, or in the Atlantic, but it was in the Pacific, and he looked in vain for any vote in the estimates for defences on the Pacific side. At present British cruisers in the Pacific went to San Francisco to refit; but if that port were shut they would be obliged to go to Valparaiso, for there was no other point where they could refit; but a capacious harbor in Vancouver Island might be made a safe place for refitting the vessels. He would even go further, and say Hong-Kong and points in Australia should be placed in a state of defence. He admitted that great expenditure would be required for what he suggested, but so long as this country maintained the position of a great empire it must be ready to bear the accompanying liabilities. Nothing had been done of late years to put the British possessions all over the world in a proper state of defence. Parliament had not grudged £9,000,000 for fortifications in this country, and Canada, it should be borne in mind, was part of the British empire. A defeat in the Atlantic or Pacific would wound the honor of England as much as if it occurred in the British Channel or the Thames. For these reasons he was of opinion, without meaning that a huge vote should be proposed, that something should be done to place the British possessions all over the world in a proper state of defence. He was ready to assent to the proposed vote of £50,000, and though he regretted that it was not larger, still he hoped it would have some good effect in showing that this country was willing with all her resources to defend Canada. [Hear, hear.]

Major ANSON said that though this country had had colonies to defend before now, yet England had never been placed in the same position as she was at present with respect to Canada. In case of war with America she would have to carry on operations at a distance of 3,000 miles, with the communications closed for six months of the year, and would have to defend a frontier of 600 miles. [Hear.] It was proposed to defend three points—Quebec, Montreal, and the peninsula of Toronto; and at each, British troops were to be placed. To provide those troops with the necessary supplies the communications with them must be kept up, and the geographical position of Canada was such that the whole frontier must be defended to keep up the communications. A force of 100,000 men would be required between Quebec and Montreal, and another force of 100,000 men between Montreal and Upper Canada. If a war should break out the Americans had hundreds of thousands of veterans ready to fall upon Canada, and even with the force of artillery which this country possessed it could hardly claim to compete with America. He believed that the American army had a larger proportion of artillery to the number of men than any other army in the world, and they had, besides, siege, transport, and commissariat trains. On the other hand, the means of transit to the frontier on the Canadian side were limited, and it was impossible for this country to dream

of defending Canada for one moment. Then, again, the cost of a war carried on in that quarter must be calculated. During the last four years of war in America the recklessness of blood and money had been greater than any nation ever exhibited before in the prosecution of a war. He did not see exactly how this country could keep up the supplies of men necessary to carry on the exhausting struggle which it would have to maintain in Canada against the Americans. [Hear, hear.] Were where the men to come from? There was nobody in that house had a higher opinion of the capabilities of the British army than himself; but an army ought to be proportionate in point of numbers to the duties it would have to undertake in time of war. He did not think the British army had that proper proportion; and at the time of the war in the Crimea the real reason of the failures there was the attempt that was made to get the work of 20,000 men out of 10,000 men. In like manner, the real cause of the mutiny in India was the attempt to keep in subjection the native army of 280,000 men by means of 18,000 European troops. A great deal more work was always expected to be got out of the British army than it could possibly do. [Hear, hear.] After the Indian mutiny was over they had a war with China. They sent off a force of some 6,000 troops, and told them to march to Pekin, the capital of an empire with 400,000,000 inhabitants, and they did it. But all that was perfect child's play compared with what they were about to undertake, in the event of a war with America. [Hear, hear.] There they would not have ten Sepoys or ten Tartars with their bows and arrows or their matchlocks against one Englishman, but they would have to face Anglo-Saxons, men of their own race, with all their own indomitable energy, courage, and perseverance. [Hear, hear.] For every gun that England brought, no matter of what power, the Americans could bring ten; for every gunboat she put upon the lakes and the St. Lawrence they could put ten, and more too, if they chose to try it. [Hear.] With the small army which England possessed, and with the very great demands made upon it all over her extended empire, they ought not to allow her to drift into a great military war with America, of which they would possibly see no end. Canada herself ought to perceive that it was no part of the duty of England to shed the blood of her soldiers in that colony. If the Canadians wanted a standing army, let them raise it for themselves, and let them rest content with the maritime and other efficient aid which England could render them. England certainly was not called upon by her honor to send troops to fight in Canada, especially when all knew that it was hopeless. With regard to the £50,000 for Quebec, which they were now called upon to vote, he wished to ask the under-secretary for war, if Colonel Jervois had been told to place Quebec in a sufficient state of defence before the next winter set in, whether he would have said he could or could not? That, he thought, was what the government ought to have done. Instead of asking for that £50,000, they should have sent out an engineer, and told him to put Quebec in an adequate state of defence before the winter, no matter at what cost. [Hear, hear.] The honorable and gallant member concluded by thanking the committee for according him a patient hearing.

Mr. ADDERLEY said that the honorable and gallant member who had just spoken seemed to make out that Canada was the only country in the world which it was impossible to defend; but, for himself, he could not conceive that she was in a different position from other states in Europe and other parts of the world which had powerful neighbors on their frontier, but which, he maintained, were somehow or other defensible. The question was, how was the frontier of Canada to be defended? If the proposal on the part of the government was that England was to undertake the defence of Canada, then he could understand the honorable and gallant member's argument that they were undertaking what was impossible. But he did not apprehend that the government were undertaking anything of the kind. The proposition they were discussing was the first vote towards fortifying Quebec, and what did they undertake by that proposition? Certainly not to defend the Canadian frontier, but to provide for the security of the troops they now had there, and also for the security of stores which they now had there of great value. Last session he called the attention of the House, and then not for the first time, to that very point, and he did so with these two objects: first, the security of British troops in the north, whom he felt to be in a most precarious and exposed position; and, secondly, in order that this country might as soon as possible come to a clear understanding with Canada as to how much Canada was to undertake for herself, and how much England was prepared to undertake for her. [Hear.] It was because he conceived that the vote now before the committee tended to accomplish both those objects that he should give it his cordial assent. [Hear, hear.] It was all very well to say it was quite impossible for this country to defend 2,000 miles of frontier in Canada. It was perfectly true that such a thing would be absurd and impossible, but would anybody, would the honorable and gallant member who had just spoken, or the right honorable member for Calne, (Mr. Lowe,) or the honorable member for West Norfolk, (Mr. Bentinck,) ask the committee to come to the conclusion from those premises that they should either leave the troops they now had in Canada exposed as they were, or should withdraw them thence altogether? [Hear, hear.] Was there anybody who would withdraw those troops at this moment? [Mr. Lowe: "Hear, hear."] The right honorable member for Calne said "hear, hear," but he stood alone. Nobody else shared his views on that point. And if nobody but the right honorable gentleman would withdraw the troops at that moment, would anybody venture to say that if they were to remain they should remain without fortifications? When Colonel Jervois

made his report, it was proposed that this country should undertake to fortify not only Quebec, but Montreal also, and that the Canadians should undertake to raise fortifications at three other points on their frontier, viz: Kingston, Toronto, and Hamilton. When that proposal was made, he, himself, ventured to suggest that it would be wiser if this country only undertook to fortify Quebec, and made it perfectly clear to the Canadians that if works at other points were essential for the defence of their frontier, they themselves must undertake to fortify all those other places. And what was his meaning in that? Why, that Canada should distinctly understand that if we were to fortify Quebec, it was not with a view to defend their whole frontier, but to defend our own troops, and to secure our own stores, which we had there to the value of about a million sterling, and that the defence of their frontier was to be undertaken by the Canadians themselves, the only people who could undertake it. Before that time Canada had been trusting to a broken reed in relying for her defence upon England, while we, on the other hand, talked a vague sort of rhodomontade, saying that as long as Canada was loyal and attached to us we should protect her, when we knew that under the circumstances the thing would be impossible. Moreover, it would be absurd, even if we could, to relieve any part of the empire from the duty of self-defence—a duty which patriotism and self-respect imposed upon men worthy of freedom. [Hear.] By our fortifying Quebec alone we should show the Canadians that we meant only to protect our own troops and stores; that all other fortifications which might be needed on their frontier must be provided by themselves; and that the rest of our share in defending them in the event of war would be performed by sea, in attempting to cut off the enemy's commerce, or in attacking his most vulnerable points. [Hear, hear.] He would ask the right honorable member for Calne, who alone proposed that we should now withdraw our troops, whether he knew what the state of Canada was at this moment—whether he knew that she was only now, for the first time, seriously undertaking her own defence, and that she could not put forth her own strength without the assistance of a certain number of regular troops? If the right honorable gentleman did not wish Canada to go entirely undefended, why did he wish this country to take a step which would absolutely disable the Canadians from defending themselves? Our troops in Canada, now about 9,000 in number, were scattered in half battalions along 2,000 miles of frontier. That was certainly a precarious position for any troops to be in; but it was at present unavoidable, unless we meant to leave the whole of Canada at the mercy of the United States, or any enemy that might attack it. Last year he had proposed that those troops should be concentrated, and the government favored that proposal; but the necessity of providing military schools, as it were, at different places in the colony for the training and discipline of the provisional levies [hear, hear,] now prevented the carrying out of that concentration. That being so, how could we leave 9,000 British troops in the present aspect of affairs in North America without any place of strength on which in case of extremity they could fall back? He fully concurred with the right honorable member for Calne as to the mischief which was done by the presence of those troops; and nothing but an overriding necessity justified our having them there. They were like the red flag held out at a bull-fight. [Hear.] They were an incentive to the very attacks which they were put there to ward off. [Hear.] That was a great mischief. Another mischief was that these troops were looked upon as a pledge on the part of England to undertake the defence of Canada, which was far more than was meant by England in sending them there. The third mischief was in diverting the attention of this country from its chief means of defending Canada—namely, by sea—and in leading us to look mainly to its defence by land. He would allow the truth of what had been said by Sir F. B. Head, long before the speech of the right honorable member for Calne, that—putting out of question the conveyance of a sufficient number of troops 3,000 miles across the Atlantic, and the impossibility of bringing the recent inventions of war to the aid of the English forces—the English army would be firing guineas in such a war, while the United States army would be only firing shillings in return. [Hear, hear.] He entertained great hopes that when the English troops in that country had done their work, and had developed the strength of Canada, it might be possible to withdraw them and to make the Canadians a present of the fortress of Quebec, in order that they might defend it for themselves. [Hear, hear.] These considerations did not, however, lead him to consent to the withdrawal of the English troops at the present moment. On the contrary, he would leave them there, in order that they might aid the Canadians in developing their own resources and powers of self-defence. It was said that war with the United States was only a remote possibility, and that the Americans were too sagacious a people to draw upon themselves a powerful enemy at a moment of exhaustion. The sagacity of the Americans was, however, leading them to fortify their seaboards. Not only so, but for some reason or other, known, of course, to themselves, they were not waiting for the completion of their permanent fortifications, but were actually throwing up temporary fortifications in readiness for any emergency. [Hear, hear.] If there was any lesson to be learnt from these events, it was that steps should be taken on our part corresponding to those taken by them in contemplation of the possibility of a rupture with this country. His only regret was that this vote was not passed a year ago. He regretted the delay that had taken place in commencing the proposed fortification of Quebec, but he felt bound to add that he fully acquitted the secretary of state of any blame. It was obviously necessary that this country should not take the initiative in fortifying any part of the American continent. [Hear.] If this country had

taken the initiative, we should only have repressed the spirit of the Canadians, and rendered it almost impossible for the Canadian government to obtain any votes for fortifying the frontier. It was necessary for the secretary of state to wait until the Canadians had shown some proof on their part that they were as much in earnest as ourselves in defending their country against aggression. There was now ample proof of the spirit of the Canadian people, and it could only be repressed by uncertain relations with the mother country. Nothing could show the spirit of the Canadians more than the way in which, when the volunteers marched to the frontier the other day, the men, women, and children joined in cheering them upon taking the first step in the defence of the country. He trusted that this feeling would be kept up by such measures as were indicated by the present vote. It had been said that Colonel Jervois's report showed the necessity of supplying the Canadians with gunboats. He could not agree in this opinion, but we ought to encourage them in the formation of dock-yards upon their lakes, to furnish them with artificers, and thus enable them to build for themselves a sufficient number of gunboats for the defence of their frontier. He must confess his disappointment in regard to the part taken by New Brunswick in the defence of the Canadian federation. New Brunswick appeared to be holding back, as if in the expectation that her defence would be undertaken by the mother country. He did not suppose it was the intention of the government to put any pressure upon New Brunswick. It was not the business of the imperial government to press any of the colonies into the federation against their will, but if it became clear that any maritime province of North America was holding back from an undue reliance on British protection, it ought to be cautioned against an exclusive reliance upon that protection. [Hear, hear.] He would assure the government that he most cordially supported the vote, and trusted that it was an indication that further measures would be taken on their part to assure the Canadians that England would support them if they would take the proper steps to defend themselves. [Hear, hear.]

LORD BURY said that, having some acquaintance with Canada, he wished to make one or two observations on this vote. The first question in every mind was whether England would defend Canada. He believed that there were not three men within the walls of that House who did not believe that the matter was already settled for us. Every one had concluded that it was inconsistent with the dignity of Great Britain to yield up to the ravages of a foreign army any possession that formed part of the territory of the Crown. [Hear, hear.] That question might be regarded, then, as already settled. During the whole time that Canada had been under the protection of the British Crown, it had been known that any attack on its frontier would be an attack made upon England. [Hear.] If England ever came to a different conclusion, it would be her duty to give the Canadians notice of the termination of that understanding; but until we had done so, and until the period of that notice had expired, no one would think it consistent with the duty of the English government to recommend the discontinuance of that protection. He would not say that at some future time Canada would not be obliged to defend itself, or that the time might not soon come when the Canadians would be in a condition to declare their independence. Many things had, however, to come to pass before that event occurred, and it would be necessary to give notice of the intention of this country to withdraw from its protection of Canada, and to give the Canadians time to organize a system of defence for themselves. There was only one possible enemy by whom the Canadas could be attacked, and on all hands we were frightened by the immense forces at the disposal of the United States. He quite admitted that within the last few years the United States had made extraordinary progressive strides, and had risen to be one of the first military nations in the world. They had at their command vast resources, and, as his honorable and gallant friend behind him had said, they had two or three guns, and could put in the field five or six men for every gun and man that we could put forward. Could we help that, and was it by exaggerating the forces of an enemy that we could get out of the difficulty in which we were now placed? All we could do was frankly to recognize the power of an enemy, and to take the best means in our power to render his attacks of no avail. [Hear, hear.] He confessed that to him it did not seem probable that we should be subjected to any attack at all. [Hear, hear.] Looking at the United States we found that they had been waging a great war for a great cause, and at great cost to themselves. They had made immense exertions and expended an enormous amount of blood and treasure; and they had accumulated a debt beside which our own sank into insignificance. ["No, no."] The debt might not be as large as ours at the present moment, but it had been created in a few years, while ours was the growth of centuries, and before the war was ended, no doubt, they would have accumulated burdens far in excess of any which this country could show. [Hear, hear.] After such a struggle the exhaustion consequent on such tremendous exertions must necessarily be felt, and even supposing the war were to terminate in the entire subjection of the south, enormous garrisons would have to be maintained in order to hold the country which they had conquered. [Hear, hear.] Was it likely that to the south, disaffected and ready to rise in fresh rebellion at any moment when the strong hand keeping them down was removed or weakened, the United States would desire to add a north equally disaffected to their rule and equally consisting of an Anglo-Saxon race, who, moreover, not having yet suffered any sacrifices, would come fresh to the encounter? [Hear, hear.] It did not seem within the bounds of probability that the United States, whatever their aggressive spirit—upon which he offered

no opinion—would rush blindly and for no possible reason [hear, hear] from one great war hardly terminated into the jaws of another. It was, therefore, likely that we should have a breathing space to perfect our defences against the enemy—if enemy he proved to be. Still, though we might never be attacked, it was plainly our duty to stand prepared [hear, hear,] and, in his firm opinion, the proposals made by her Majesty's government were the wisest means of preparation. The right honorable and gallant gentleman opposite had been very satirical in his comments upon the government for making a *point d'appui* at Quebec, behind which the English soldiers could retire in case of disaster befalling them. But the great master of the art of war formed the lines at Torres Vedras, and did any Englishmen think that in doing so the Duke of Wellington had degraded the honor of England? [Cheers.] The wisest thing that government could possibly do was to put Quebec in such a state of defence that, in case of disaster, not only the English troops, but the Canadians who might be fighting with them, should have a safe place to resort to. [Hear.] Naval superiority on our part had been asserted again and again to be indispensable to the defence of Canada. But, unless our navy had some point of concentration, such as Quebec, how was that naval superiority to be maintained? He knew Quebec well, every inch of it, he might say, having lived there for years; and at the present moment Quebec undoubtedly was on the wrong side of the river for military and strategic purposes, though it was different in former days, when military operations were conducted on a system now exploded. Any gentleman who had visited Quebec would remember that it was built on the slope of a hill, and that from the height opposite almost every part of the citadel would be commanded by long-range cannon. The outworks, therefore, must be transferred to the Point Levi shore; and according to the modern system of fortifications, which trusted a good deal more to earthworks than to masonry, earthworks, casemates, and works of that description must constitute the future defences of Quebec. Second only in importance to the defence of Quebec was the defence of Montreal. At that point the river took a circular sweep round the island of Montreal. Above were the rapids, and on the right towards New York the road by which the enemy advancing from the United States must come into Canada. Strategic reasons existed now, as they had done throughout all history, proving that this was the only road by which an enemy could enter Canada. In the war which began in 1755 there were two campaigns, and the only successful force which ever advanced out of the United States territory came by way of Montreal. The peculiar conformation of the current round Montreal gave great facilities for making a line of defence round the head of the Grand Trunk railway bridge, and would enable our gunboats stationed a little below the town to command almost the whole of the line of works, and thereby materially to assist in the defence of the place. There was no doubt that fortifications such as he had described could be held with ease by a very small English and Canadian force during the six months that operations were possible in Canada. In winter everybody acquainted with that country must know that it was impossible to do more than keep the great roads; and consequently a small defensive force would have great facilities in resisting a large aggressive force which, finding it impossible to deploy, would be unable to make use of its numbers. In case any attempt of this kind were made, a few men on snow-shoes would easily cut the line of communications; and, therefore, during the winter the enemy would be obliged to retire to his base of operations. The defences of Upper Canada remained to be considered. A frontier upwards of 1,400 miles in length it would be impossible to defend without an enormous outlay of money and without sending into Canada more troops than we possessed. It was, therefore, only possible to retain possession of these two strategic points—Montreal, by which the enemy would come, and Quebec, behind which our troops would rally if unfortunately there should be occasion to do so. These were the principal points on which the committee ought to concentrate their attention. No doubt, as the numbers and discipline of the Canadian militia increased and as means became available, it would be necessary and easy to fortify Toronto, Hamilton, and Kingston; but these works must be left over for the present. We were now, as stated on all hands, in presence of a great and immediate danger. ["No."] He did no tbelieve in the existence of the danger, but he did believe in the necessity of being prepared; and the proposal of the government to fortify Quebec and Montreal on the principle he had mentioned was, he thought, the best mode in which that very desirable object could be carried into effect. Having some personal knowledge of the country, he only wished to make a few practical remarks. [Hear, hear.] He felt it would be an injustice in any one who had lived among the Canadian population not to say, when such a matter as this was under discussion, that he believed they were in temper, in bone and sinew, in manners, like ourselves, and able and willing to defend themselves. Like ourselves, they had representative government in Canada. Having conceded that to them—having made them free, we could not be surprised if, when under circumstances of great internal difficulty a militia bill was presented to them, they took occasion to turn out an unpopular government. We did not like that proceeding, because we wished them to make provision for their own defence. But, having given them responsible government, we could not blame them for exercising it. Now that difficulty was swept away; the very men who rejected the militia bill were, he believed, ready to do far more than had ever yet been proposed to put Canada in a state of defence. Even those who had been turned out were ready to join with them, seeing the necessity of being prepared. It was not, he believed, the wish of the Canadian people to throw the burden of their defence on this country; they were prepared to

take their fair share of it. He believed they would in a very short time see a highly efficient force organized in Canada by the same means which had been adopted in England—by the raising of a volunteer force. There were a large number of sergeants of the regular army all through Canada, and if a large body of men had been raised here and rendered not unworthy to stand by the side of any soldiers, he could not doubt, out of the same materials among the Canadian population, a force equally efficient would in a short time be produced. But they had the disadvantage of living among a sparsely settled population. They had also the additional disadvantage of having to sacrifice enormously high wages to attend drill; but now they knew it was necessary to provide against a danger which could only be averted by being prepared for it, they would no doubt be immediately at their post. [Hear.]

Mr. WATKIN did not quite agree with the policy which this vote indicated. It went either too far or not far enough. It did not go far enough to give confidence, but it went far enough to increase the irritation of feeling on the frontier. The government ought to tell the House from the information received by the last mail what were our relations with the United States. Was it true that notice had been given for the termination of the reciprocity treaty, unaccompanied by the expression of any desire on the part of the government at Washington to renew the operation of that excellent treaty? Was it true, on the other hand, that the passport system in Canada had been abolished, and that some intimation had been made to our government that the government of the United States had no intention to put gunboats on the lakes, as had been announced a few months ago? These were important considerations, and should influence the decision of the committee. He should have been disposed to move an amendment in terms somewhat like the following:

That before entering on the consideration of erecting fortifications on the Canadian frontier the House consider it more desirable to address themselves to negotiations at Washington, with the view, if possible, of avoiding the construction of works which would prevent that neutralization of the lakes which had existed so advantageously for the last fifty years. The United States could hardly be prepared to enter on a race of expenditure for fortifications on both sides of the frontier; but if we fortified on one side, we must expect them to fortify on another. And if appealed to, as the Emperor of the French had been appealed to, with reference to the commercial treaty, he could not help thinking the plain common sense of the American people would see the interest they had in putting down this expenditure, and thereby set an example to all states having an illusory frontier line. But the government did not appear disposed to undertake these negotiations. They would spend money first, and then negotiate. They would allow some great evil to happen, and remonstrate afterwards. We had been for some months without an ambassador at Washington, and we had now sent a gentleman there who was certainly not of the first order of diplomatists. Had he gone? or were affairs still to be left in the hands of Mr. Burnley, who everybody knew was utterly unfit to meet on equal terms the able men of whom Mr. Lincoln's cabinet was composed? [Laughter.] What had taken place since the 17th of December? Had the system of these passports not produced great irritation, and was it not most unfortunate that at this moment we had no minister in Washington? Since he entered the House a letter had been placed in his hands from a gentleman at Portland, in which he stated that some eighteen passengers by the Belgian having arrived without passports, they had been detained by order of General Dix, and they were then guarded by a squadron of American soldiers. That was certainly carrying things with a high hand. He did not mention this to increase the irritation, but it was no use having an embassy at Washington if our embassador was not at his post; and we ought to have the ablest man we could find to negotiate with the Americans, who looked upon it as a slight if we did not send to Washington a man of the first rank as a diplomatist. Our fellow-subjects in Canada ought to be assured that if an unjust war took place we would stand by them, and, on the other hand, we should not do anything that would be likely to prevent the renewal of the reciprocity treaty, or raise up any bitter feelings between the British provinces and the United States, and still further alienate the two peoples. For every interest and for the sake of civilization this ought as far as possible to be avoided. [Hear, hear.]

Mr. HALIBURTON, who was indistinctly heard, was understood to say he wished to disabuse the minds of honorable gentlemen with reference to the probability of a war with America. He knew something of Canada. Sixty winters passed over his head in that country before he removed to this, and he would venture to say that he knew something of the climate and of the people. [Hear, hear.] He had not the least notion that the Americans wished or intended a war with this country. They were too sagacious a people for that. [A laugh, and "hear."] They knew their own interest too well, and they also knew their utter inability to annex the British provinces. Those were two very sufficient reasons against the American people entertaining such a foolish project. The noble lord who spoke just now (Lord Bury) alluded to the debt of the United States, and he had not understood its amount. It was a larger debt, taken with its interest, than the debt of this country. When the United States made peace with the secessionists, one of two things would have to take place in their finances. They must repudiate their debt altogether, or the people must submit to be heavily taxed for the interest which would have to be paid. There was no country in the world so impatient of taxation as America, and it had been so from its earliest history. [Hear.] Indeed, so much so had this been the case that every expedient of borrowing and confiscating

and every plan of raising money by loans had been adopted in preference to allowing taxes to be levied. There was a great security in this fact. If the American government repudiated the debt, which was principally due to their own people, the people would not trust the government again with the sinews of war; and if they had to pay taxes to raise the interest upon the debt, where was the money to come from for a war with England? An utter exhaustion must take place after the terrible struggle in which they were now engaged. He would, therefore, put aside altogether any probability of a war between this country and America. A good deal of irritation had taken place, and there had been some cause for it. [Hear, hear.] The Alabama unfortunately escaped from this country, and it naturally led the American people to suspect that we had favored her escape. This and other things naturally gave rise to a good deal of irritation, and a good deal of rough language had been used in the American papers, which never were famous for truth or mildness of expression, especially towards this country. But it was all "Buncombe" [Laughter.] It meant nothing. If it meant anything it was but to alarm the people, who were truthful themselves and naturally believed others when they asserted anything solemnly, and to prevent them from recognizing the true feelings of this country towards them. With respect to the reciprocity treaty, of which they had heard so much, the whole loss of it would fall upon the Americans. It was entirely in their favor, as every other treaty was that had been made with them by this country. Their fisheries were protected, and they acquired a right of land in uninhabited parts of the provinces to dry their fish and spread their nets. Their principal articles of "lumber" were obtained from Canada, there being little or none in the back States, and they got them duty free, which was a great advantage. Canada had a population equal to that of the United States at the time of the rebellion. They could see, therefore, what three millions of determined people could do if their rights were invaded. The Americans succeeded in resisting the whole power of this empire, and we could give the Canadians credit for as much pluck as the Americans possessed if an attack were to be made upon them. [Hear, hear.] There was a time in the history of Canada when the people had a good deal of sympathy for the American form of government, but they had grown wiser as they had grown older. and they had seen that a great country, with a cheap government, and no army or navy, had now as heavy burdens as the old country. The Canadians felt now that if amalgamated with America they would be swallowed up by the immensity of that country, and they wished to have nothing to do with it. It had been stated by an honorable gentleman that a winter campaign might take place; but when that honorable gentleman had lived sixty years in Canada he would know more about the winter. None but those who knew the climate could have any idea of it. The horses, with the exception of a few that drew small sledges through the streets for the necessary traffic, were all sent away to winter quarters. They could not be moved about. The severity of the winter in the open country was so great that language could not express it. The thermometer gave no idea of it. A man must feel it in his face, and in his fingers and toes, to obtain a correct notion of it. They were told that General Montgomery made an attack in the dead of winter, and that General Grant might do the same, if he had the time and opportunity. There was a vast difference between a small body of men travelling through the woods, where they were protected from the cold wind, and an army moving in the open and desolate country. It was utterly impossible for men to carry on a war in Canada during the winter. Provisions could not be conveyed to the army. One honorable gentleman had talked of the facilities offered by railways running into Quebec. There was only one railway, and that was on the other side of the river. Sometimes, for seven or eight days in the winter the railway was not to be seen, and they had to dig it out of the snow. [Laughter.] He was anxious that no offence should be given in that debate to the colonies. Canada had done, he thought, all that could be reasonably expected of her. With reference to this question of defence she had had the assurance of this country that it was prepared to assist her, and, as it had been said, that to attack Canada was to attack England. While relying upon that assistance, it would be a disgraceful thing if this country should desert her now because an idea was entertained that there was some probability of a war with America. If we thought it was not convenient to have an alliance with Canada, then it would be better to separate at once. The Canadians were a very fine people, and as long as the Americans behaved honestly and acted properly towards them they would be likely to display a reciprocal good feeling. The people of Canada were, moreover, perfectly loyal, and very much attached to this country; indeed, he did not think that in Canada a disloyal man, of any sect or creed, or color, was to be found. New Brunswick and Nova Scotia, he was sorry to say, did not deserve the same praise in that respect, and he hoped the secretary for the colonies would show that he was aware that such was the case. It was not easy to coerce them, but he trusted the right honorable gentleman would let them understand how matters stood. Those two colonies were equally anxious for British connexion, but when, some years ago, responsible government was granted to them, it was unaccompanied by any definition to preclude the possibility of everybody putting upon it his own meaning. By some, therefore, it was construed in the most extensive and liberal sense, as operating to cut off all British influence, and to make the colonies completely independent; and thus it was that they came to be cursed with demagogues, who made use of all sorts of arguments in support of their views, and who, being possessed of a good deal of talent and very little property, [a laugh,]

appealed to the prejudices and passions of the people, and led them astray. But to advert more particularly to the fortresses which were about to be erected, it was contended that when constructed there would not be a sufficient number of soldiers to man them. Colonial history, however, appeared to furnish a very different lesson. General Braddock, for instance, had led a very fine army into the interior of the country, and it was routed by a few militia. General Burgoyne had surrendered his whole army to a common farmer, who had raised the population, and deprived him of supplies, while Lord Cornwallis met with a similar reverse. That being so, it was clear that troops disciplined after the model of European forces were not absolutely necessary for the defence of the colonies. Soldiers extemporized for the occasion, provided they were properly officered, would serve the purpose very well. The colonies themselves, then, possessed all the materials for resistance. They were interspersed with wood and lake, and no battle-field like Waterloo was to be found throughout the country. It was, however, desirable that there should be a small force of British troops to give the colonists confidence and steadiness, and he had no doubt they would then be found equal to the occasion. He would only add that he should have great pleasure in voting in favor of the proposed scheme, and that he was glad the debate had not taken such a turn as to render it necessary that he should say a single unpleasant word with regard to the Americans, who were not over-particular as to the way in which they carried on the war in which they were engaged. [Hear.]

Mr. J. S. LEFEVRE said that in dealing with the question before the committee he was actuated by no feeling of sordid economy, but his belief was that there was no difference between us and the United States which might not be settled by means of amicable arrangement. There were, in his opinion, political reasons which rendered it far better for Canada, as well as ourselves, that we should not commence the proposed fortifications with the intention of stationing in that colony a large force of British troops. There were two grounds on which war might break out between us and the United States, the one of which might originate with Canada and the other with England; and it appeared to him that the one country ought to be in a position to repudiate, if it should deem right, the policy pursued by the other. Let him suppose that the cause of war had its origin with us. Ought not Canada to be able to say, "We have nothing to do with the matter; it arises out of no policy of ours?" as, for instance, in the case of the Trent, to which the right honorable and gallant gentleman opposite had referred. So, also, with reference to the steam rams. The Canadians were never consulted upon the policy which should be pursued in that case; and therefore they ought to have been in a position to have repudiated all responsibility for it, and, if necessary, to have declined to participate in any war with America to which it must have led. In the same way, if a war had arisen out of the St. Albans raid, the people of England ought not to have been necessarily involved in it. The general opinion was, he believed, that up to a certain time the Canadian government were somewhat remiss in taking measures to secure the performance of their obligations as neutrals; but that after they saw the danger of their position nothing could be alleged against them. Supposing, however, that the Canadian legislature had not in time taken steps to prevent the recurrence of such an event, our government would justly have been entitled to refuse to engage in any war with America which might thus have been produced. But our troops being there, if the Americans had attacked Canada, we might have been involved in war before either our government or Parliament had had any opportunity of discussing the question. In both aspects, therefore, it was a matter of extreme importance that Canada should be enabled to occupy a neutral position in the event of a war occurring between this country and America. What had happened during the last three years might happen again; but he did not, however, anticipate the occurrence of difficulties which could not be settled by arbitration, and if difficulties should arise it would, in his opinion, be a great crime on the part of this country if it did not take every means to prevent their leading to hostilities with America. No doubt many things had been done in both countries during the last four years which he might wish undone; but he did not think that anything had occurred on either side which was likely to lead to war. On the contrary, he believed that the observance of neutrality in this country had assumed a noble attitude, for which, at the conclusion of the war, he hoped that she would obtain full credit; and he regretted the commencement of this new system of armaments and forts in Canada, because it would not conduce to the maintenance of friendly feelings between ourselves and the Americans.

Lord R. MONTAGU said that the honorable member who had spoken from his side of the house (Mr. Haliburton) had laughed at the notion that the United States would go to war with this country. That statement, however, he could not but class with a good many of the American prophecies which had fallen from honorable members in that house. They had heard it confidently stated before now that the Americans were so enamoured of liberty that nothing would compel them to resign their privileges, but their President at this moment was invested with the authority of a *quasi*-despot. In favor of their Constitution it was urged that their taxes were few, and yet they were at the present moment overburdened with taxation. It was urged, too, that they were a people loving peace and supporting but a small standing army, and now their army exceeded our own in number, and it was the very strength of their army which occasioned our present perplexity and anxiety. The noble lord the member for Wick (Lord Bury) said that the United States would not go to war with us as long as

they had another war on their hands, but in that case what would become of the arguments employed by the right honorable gentleman the member for Calne, (Mr. Lowe?) The right honorable gentleman said that the United States was so strong in the neighborhood of Canada that we could not expect to resist them in that country, and that we must therefore create a diversion elsewhere. The right honorable gentleman contended that the defence of Canada could only be carried on by the bombardment of some town upon the American coast. The honorable member for Lichfield (Captain Anson) had said that our colonies ought to be left to take care of themselves. That system was the one pursued by us until the great French war, but during that war it was found necessary to take the defence of the colonies upon our own shoulders, and to guarantee them against the attacks of their enemies. It appeared to him that that was the very thing which the government now proposed to do. We could not leave Canada to defend itself until it had an army and was prepared to receive the attack of an enemy. It had been said that the army of the United States consisted more or less of raw levies, and that they only required good officers. But was it right for us to leave the draughting of officers and sergeants until the time when the Canadians ought to be fully drilled? The plan of the government was to construct fortifications at certain vital points, in order that our troops might be sheltered in case of defeat in the field. He could see nothing in the arguments which had been urged that evening which should induce us to refuse the paltry £50,000 which was asked for. The honorable member for West Norfolk (Mr. Bentinck) had urged as an alternative that we should defend Canada by means of a maritime war. Now, there were three modes of carrying on a maritime war—by bombardment, by blockade, and by right of search. The noble lord the under secretary of state for war (the Marquis of Hartington) had said, however, that it was quite ridiculous to attempt to bombard the American towns, because they had been so strongly fortified. A bombardment would certainly require the services of iron-clads, and of this description of vessel we only possessed thirteen. The American navy during the bombardment would remain safe in harbor, and would then easily make a prey of our crippled ships. If, on the other hand, their ships did not remain in harbor, what was to prevent them, in the absence of our iron-clads, from ravaging the Clyde or the Severn, or from bombarding Dublin, which was without any defence whatever? for it must be remembered that our wooden ships would not be able to contend with iron-clads. The second mode of carrying on war—by means of blockade—was directed against neutrals, and not against enemies. The object of a blockade was to prevent neutrals from entering the ports of our enemies and conveying to them supplies of any kind. Such a course, however, would bring a Lancashire distress upon every country of Europe having commercial relations with America, and ought not to be resorted to unless found to be absolutely necessary. Then as to the right of search. He did not know what the honorable member for Birmingham would say to the adoption of that mode of carrying on warfare, but the honorable member had lifted up his voice against a course. The object sought to be attained by the right of search was to make an enemy submit by crippling his commerce and seizing his merchantmen wherever they could be found. But by adopting this course they must abjure the treaty of Paris of 1856, because unless they seized the goods of the enemy wherever they could be found they could never hope to crush his commerce and thus reduce him to submission. They had, therefore, only the option of defending the points in the manner proposed by the government, or of resorting to a maritime warfare already denounced by the honorable member for Birmingham and his friends. He should therefore feel himself bound to support the vote.

Mr. C. FORTESCUE said that he merely rose for the purpose of calling attention to the political theory as to the relations of the mother country to the colonies propounded by the honorable member for Reading, (Mr. Lefevre.) On one point he thoroughly agreed with the honorable member. The point to which he referred was often passed over by gentlemen in the course of these discussions, and was in reality much better appreciated in the colonies than it was in the mother country. It was that Canada was likely to be involved in a war over which she had no control, and in which, if there was any blame, she was blameless. She would, in fact, be involved in war simply on account of her connexion with this empire. The honorable gentleman said that in the case of a war he would like to see Canada in the position of a neutral, and that he should be glad if she could escape the horrors of a war. His answer was that such a state of things implied independence, and that Canada herself did not desire to separate from us. It was not enough for us to wish Canada to be neutral in case of a war with the United States. The question was whether the United States would permit her neutrality. He would now call the attention of the committee to the real question at issue. It appeared to him that nearly all the honorable members who had taken part in the debate agreed that it was the duty of this country to contribute more or less aid to Canada with a view of enabling that country to maintain that independent position towards all the world which, as a member of the British empire, she so much appreciated, and which she desired to perpetuate. They were nearly all agreed that the main security of Canada consisted in the good sense and friendly feeling of the two great countries, Great Britain and the United States, upon whose relations the fate of Canada must depend. If, unfortunately, the present peaceful relations should ever cease, they were nearly all agreed that the main defence of Canada would lie in the fact that the power of the British empire would be exerted not only in America, but all over the world. The only question which remained was whether

over and above that great security, they should call upon Canada to make preparations to defend herself. He took it for granted that the committee would not say to the Canadians, after urging upon them for years to make exertions to provide for their own defence, that now they had taken steps in that direction this country could not help them, either with money or with men, simply because Canada was utterly defenceless. Of his own personal knowledge he could state that for years past the colonial secretary had been continually urging the Canadians to provide means for their own defence. In proof of that he might refer to a despatch written by the Duke of Newcastle in December, 1862, in which that minister, after admitting the force of an observation made by the executive council of Canada to the effect that the imperial policy was most likely to be the cause of any war in which Canada would be concerned, reminded them that their interests were concerned in the maintenance of the power of Great Britain, and that while they relied upon the power of Great Britain to defend them, they must also in return exert themselves to assist the mother country in the struggle. After having addressed such exhortations to the Canadian people and government, and which exhortations at last appeared to have produced practical results, it would not be generous to turn around and say to them, "We cannot give you any aid for the construction of your fortifications, or for the disciplining of your troops, because you really are defenceless." What was the meaning of "defenceless?" No one could dream of defending so large a frontier. But a country was not defenceless when it was possible to hold certain important and vital points which would enable the inhabitants to make the task of invasion a difficult and dangerous enterprise to any enemy. If we succeeded in infusing a warlike spirit among the people, and induced them, with our assistance, to put themselves into a respectable state of defence, we should have contributed greatly towards placing them beyond the risk of invasion. When it was said that the existence of these proposed fortifications and the continued presence in Canada of imperial troops would prove a temptation to an aggressive power, he confessed that he could not understand that argument. He could not comprehend why any fortifications at Montreal should be considered as a defiance to any neighboring power, nor why the presence of the imperial troops should invite aggression. It appeared that the temptation would be exactly in an opposite direction. For those reasons it appeared to him that, upon the ground of common sense, and if we recognized our duty to defend Canada against foreign invasion, we must take steps to assist her, by placing her in a position to render the invader's task a difficult and dangerous one. The immediate question before the House was not the presence of British troops in Canada, but whether we should aid Canada in providing proper fortifications at certain points. He believed that such fortifications, apart from the continued presence of imperial troops, would be of material assistance for the defence of Canada. Fortifications were intended to give to a smaller number of troops acting on the defensive an opportunity of fighting upon something like an equality with an attacking force of greater numbers. The committee was now invited by the government to give to the Canadians some assistance in the great task of providing for their own defence, and he hoped the committee would not listen to any arguments, however ingenious, which, if carried into practice, would have the effect of leaving Canada completely helpless in the presence of a possible foe. [Hear, hear.]

On Sir F. Smith and Mr. Lowe rising together, there were loud calls for the latter to proceed. The Speaker, however, decided that Sir F. Smith was entitled to precedence.

Sir F. SMITH would willingly have given way to the right honorable gentleman, (Mr. Lowe,) whose speeches were always listened to by the House with the greatest pleasure, had he not been called upon by the right honorable gentleman in the chair to proceed. He was glad the honorable member for West Norfolk had raised this debate, as the right issue had thereby been brought fairly before the public. The noble member for Wick had given them, in his exhaustive address, an admirable description of the country proposed to be fortified, and of the objects which those fortifications were to accomplish, from which it was impossible to draw any other conclusion than that the course proposed by the government was the proper one to adopt. It had been contended that we ought not to defend Canada at all, but to leave her to the chances of war; but he did not think that the majority of that house or of this country would be of that opinion, and that night's vote would show their confidence in the course which had been taken. Having first been told that they ought not to defend Canada, they were afterwards assured that they were unable to do so; but he thought honorable members, after looking at the report of Colonel Jervois, would see there could be no difficulty in the matter. When Quebec and Montreal were fortified upon the principles of modern science, as proposed by Colonel Jervois and the government, it would be impossible to bombard those towns; they would form secure retiring places for the imperial and the colonial troops, and thus a point of great importance would be gained, as so long as our troops could be effectually protected, and we had a good naval force on the spot, any invasion of that part of Canada would be utterly futile. The proposed forts were so to be constructed as to have a large interior space, while they required but few defenders. It had been remarked that we could spare but few men to defend these forts, but did we not know in how short a space of time our own volunteers had been made into good soldiers, in whom he had such confidence that in case of war he would as soon attach himself to them as to the regular troops. [Hear, hear.] If such an army could be created in this country, why should not a similar force of 60,000 or 70,000 men be raised in Canada, where there were plenty of officers on half-pay to command and of

non-commissioned officers to train them? [Hear, hear.] Carrying on war on a large scale in the depth of winter was a perfect impossibility, as roads would have to be made almost daily over the ice and snow, which a few men on snow-shoes could easily destroy. He therefore felt that the system of defence proposed to be adopted by the government was the right one, and he trusted that they would not, in their anxiety to render the St. Lawrence secure, overlook the importance of defending the lakes also. Nothing could be gained by delay, and he hoped the government would use the utmost despatch in carrying out its plans.

Mr. LOWE. I have been so frequently alluded to in the course of this debate, although I have taken no part in it hitherto, that I trust the House will allow me to offer a few remarks in my own justification. I should be very sorry to be obliged to go over, however hastily, the ground I tried to cover the other night, but it is absolutely necessary that I should just restate the points I then took up. I have listened very attentively to the debate to-night, and, with the exception of the last speaker, who boldly affirmed the proposition, not one of the honorable members who have addressed you have expressed their belief that Canada can be defended. We have heard a great deal as to the interest, duty, and expediency, but nothing as to the possibility, of defending Canada; and it was upon the latter point I rested my argument on a former occasion, and it is upon the same point I feel bound to rest it still. The right honorable and gallant member for Huntingdon told us that England was bound to defend Canada; the noble lord the member for Wick said it would not be dignified, and another honorable member that it would not be honorable, to desert her; and the under secretary for the colonies said it was our duty to defend her; but not one said it was possible to defend her. [Hear, hear.] The real question which lies at the bottom of all this talk, which we must look manfully in the face, and which we must answer to our minds and consciences—to God and to man—is, can we defend her? [Hear, hear.] I have heard nothing to-night among the various arguments used by those gentlemen who have addressed you, and who are so competent to speak on the subject, to alter the impression I hold as to the impossibility of defending that country, except the statement of the honorable gentleman who has just sat down, who has given us a most unqualified opinion that it can be defended. The honorable gentleman recalls to my mind a sentence of Lord Bacon, wherein he says, "Authority, a bow, the arrow from which derives strength from the hand that draws it, while argument is like a cross-bow, as powerful in the hands of a child as in those of a giant." [Hear, hear, and loud laughter.] I will not recapitulate the arguments I made use of the other day. Indeed, a great many members have shown that they recollect them very well, for upon the strength of those arguments the honorable member for North Staffordshire has founded his surmise that I must be mad. [Hear, and laughter.] I think, according to the present state of the law of lunacy, I am bound to show him that I have at least lucid intervals. [Hear, and loud laughter.] The honorable member for Launceston, than whom no greater authority can be quoted, has cited many historical incidents to prove that regular troops are of little value in that part of the world. He has told us that General Braddock was defeated by a few untrained men, and that General Burgoyne was compelled to surrender to a farmer and his men. I always thought a General Gates had something to do with it. [Cheers and laughter.] But, with great submission, I don't think we can argue from those times to ours. If America were situated somewhere at Cape Horn, or if she had no regular, trained, veteran army, or even if she were in the condition she occupied four years ago, I, for one, would not despair of defending Canada against her. But we must look the matter fairly in the face. We should have to defend her against what is probably the best, and is certainly the largest army in the world, the appointments and training of which are unexceptionable. In fact, we should have to meet with 10,000 him that cometh against us with 20,000. [Hear, hear.] It is no use talking about honor and dignity and that sort of thing; it is a question of possibility, and we must satisfy ourselves, in the first place, whether or not we can carry out our plans. The honorable member for Launceston says there is only one railway to Quebec, but I believe there are four or five different railways touching on the St. Lawrence. There is a railway to Detroit only separated by a narrow strait. There is a railway to Cleveland, and I believe there are two to Niagara; so that the Americans, by means of the railways at their command, have the power of throwing any number of men on a certain bank of the St. Lawrence at any moment they please. That disposes of the difficulty of making marches in winter, and of throwing a force on one point or another with nothing but the St. Lawrence between them and Canada. Then, it is said, there is no precedent for making a campaign in winter, though how General Montgomery's precedent is got over I don't see, except that instead of sending his troops by railway he marched them through the woods, and so kept them warm and comfortable. But there is another precedent. In 1837 Canada rose in rebellion, and our troops and the Canadian militia turned out in the dead of that bitter and severe winter and put down the rebellion. Is not that a proof that such a thing as a winter campaign is possible—more especially if you can bring up your troops to the point you wish by railway? [Hear, hear.] However, I will not weary the House by any recapitulation. Suffice to say that nothing I have heard convinces me that there cannot be a winter campaign. Then it is said the Americans could not occupy Quebec without also taking Point Levi. But what is to prevent them taking Point Levi, looking at the exploits they have performed and the works they have carried in the course of this war? Is it to be supposed that we are capable of throwing up fortifications which will resist them more effectually? Without going over the matter again, I

shall take the liberty of assuming that we cannot defend Canada effectually. Nothing can be more feeble than the arguments which have been used both by the noble marquis and the under-secretary of state for the colonies. The noble marquis says that if the people would only rise and assist us something might be done, and my right honorable friend the under secretary says that Canada is defensible, only she could not be defended for any great period of time. If that be so, the whole basis of my argument rests on that admission; and what becomes of the rest of the argument? The honorable gentleman opposite says it is our duty to do what it may not be possible to do. [Hear, hear.] But it is a sound legal maxim, "*Nemo tenetur ad impossibile*"—if a man can't do a thing it is not his duty to do it. [Hear, hear, and a laugh.] Duties are limited by possibilities. [Hear, hear.] Once satisfy your mind that you cannot defend Canada in Canada, and the duty of defending Canada in Canada ceases. [Hear, hear.] You cannot alter it by using fine words, you must go straight to the fact. We have no duty, no honor, no dignity in pretending to do that which we cannot do. [Hear, hear.] Then it is said we ought to encourage Canada. Why should we encourage Canada? If the people think it their duty and their interest to defend Canada, then it may be right in us to encourage them; but if not, why should we encourage them to rush on what would be their own ruin? [Hear.] It is said also that the Canadians are loyal, and that we are bound, therefore, to defend Canada. But that does not prove that because it is our duty to defend Canada, that therefore we are bound to defend it in Canada. It is our duty to defend her wherever she can best be defended. If in Canada, then there; if not, then wherever else she can best be defended. Then an honorable gentleman says that America has an impregnable front, that there is no point at which we could assault her. That is as much as to say that because we cannot defend Canada at all, therefore we must defend her in Canada. [Hear, hear.] I will state to the House frankly what I believe to be our duty. We ought to deal frankly and honorably and truly with Canada, and lay before her the actual state of things. We ought to tell her plainly and straightforwardly that we do not apprehend that we have the means of resisting the present force which the Americans could place on Canadian soil, but that we are willing to do anything we can do. As to giving her officers to train her men, and troops to serve as an example and model, it would be furthest from my wish that anything of that sort should be withdrawn; but when we have got 10,000 certificated schoolmasters to pay, I cannot understand why we should require 10,000 masters in Canada in red coats. I should have thought a much smaller staff would have answered all the purpose. [Hear, hear.] But mark how by arguing this question as it is put before us we loose sight of the better half of the considerations we ought to keep in view. Nobody pretends to say that we are going to defend the valuable part of Canada—the upper province. Upper Canada is a country with a rich and fertile soil, well cultivated, and crowned with all the gifts of nature. The lower province is a rugged and barren region, shut out, inaccessible, poor, and inhabited by a population by no means progressive; and it is upon the lower province that every shilling we are going to spend is to be spent. But is the upper province, which we then abandon, less exposed? Don't you suppose that it is through Lower Canada that the Americans will march to Upper Canada, and what use, then, will your fortifications be for the defence of the upper province? Upper Canada is accessible to the Americans by Lake Ontario, by the Straits of Detroit, Lake Huron, and Georgean bay; and after all you do, you only restrict your efforts to Lower Canada, because you don't pretend to affect the upper provinces in any way whatever. All you risk you risk for the sake of defending the lower province, and, perhaps, for the sake of securing a better retreat for your soldiers when they are driven from the field and cooped up in these fortifications. (Hear, hear.) Now, what is our duty?—for, although I have objected to what honorable gentlemen have defined to be our duty, I freely admit that we have a duty in the matter. Our duty to our troops is not without some far better and nobler end than to expose them to almost certain destruction. [Hear, hear.] It is not our duty in this manner, and upon such shadowy grounds, to sport with the lives of 10,000 brave men. [Hear, hear.] If their country required the sacrifice, they might be willing to do for her all that Marcus Curtius or Decius ever did for Rome; but let us not call lightly on them for such a sacrifice. [Hear, hear.] It is easy for us who sit at home at our ease to read of their struggles and to offer them up, in a spirit of magnanimity, to some phantom of national honor, or to imaginary duty and dignity; but I say that we owe it as a duty to those brave men, who may be willing to give us their best blood, not lightly to put them in peril, and not to sacrifice them in an enterprise which we know beforehand to be desperate. [Hear, hear.] We have also a duty to perform to the people of this country. The policy which I understand to be inaugurated to-night is what I call a fair-weather policy. Honorable gentlemen have expressed their opinions that, after all, America will not invade Canada. I have no ill feeling to the Americans. I received great kindness and hospitality from them when I was there, and I do not at all wish to put a bad construction on anything they may do or say. I don't believe that we shall see them invade Canada, but in a matter of this kind—a question of defence—we must act as if it were quite certain that they would. Now, this policy of ours is one which will answer if America does not invade Canada. If she does not invade Canada, nothing can be more glorious to us, or more magnanimous. We shall appear to our colonists as having taken them under our wing, and kept them in safety under the shadow of our protecting ægis; their loyalty to the Crown will not be impaired, and our prestige will not be impaired in any way. On the other hand, we shall

have observed a dignified and slightly defiant tone to the Americans, and we shall have held out to all men the spectacle of a small country daring to beard the American giant with his nerves strong and hands all bloody from the fierce contest in which he has been engaged. [Hear.] But suppose that the invasion does actually take place: suppose the Americans enter Canada, what course is left to us? We may leave our men in America to perish or to be captured, or we may withdraw our troops. I know which alternative this country would choose. In one there is a great deal of safety, in the other little honor; but it is our duty beforehand to look at every contingency which may occur, and to be prepared for it. The way in which men run wrong in this world is by refusing to look at both sides of a question, being unprepared to meet reverses when they come upon them. It is not our duty to adopt a policy which may answer in fair whether times, but will not bear the test of the slightest reverse. Our duty is perfectly clear. We ought to represent these things to the Canadians with perfect fairness. We ought, in my opinion, to tell Canada that we will defend her with all our strength; that we consider her interests bound up in ours, and that we will fight for her to the last, so long as she belongs to us; but that we see no chance of successfully defending her on her own ground. If she chooses British connexion she must take it subject to this condition, that she will have to defend her own soil in case of invasion; that we will make diversions elsewhere, and defend her in what we think the most efficient way, and that, if our arms are crowned with success, she shall be the first object of our consideration in making peace. We should also represent to her that it is perfectly open to her to establish herself as an independent republic, [hear, hear,] and that if she thinks that will make her position safer and more tenable we do not desire to drag her into any danger. It is our duty, too, to represent to her that if, after well-weighed consideration, she thinks it more to her interest to join the great American republic itself [cries of "No, no"] it is the duty of Canada to deliberate for her own interests and her own happiness, and it is our duty to put before her the real relation of things, not as seen through the illusion of dignity and glory and things of that sort, but as they really are, and to assure her that whatever course she may take, she shall have in us a friend, a protector, and an ally up to the time of her departure. [Hear, hear.] But I cannot think it is the best attitude for those who, with me, think that we cannot defend Canada in Canada to encourage her to believe that we will resist an invasion which we cannot resist—to stir her up, relying on our support, to incur dangers from which we cannot deliver her. [Hear, hear.] It appears to me that there is mutual deception. We expect Canada to defend herself, and Canada expects us to defend her. [A laugh, and "hear, hear."] That, I think, is likely to come to very little. In conclusion, I have only to say that as for my vote on this question, I, for one, cannot take the responsibility of resisting the proposal of the government. [A laugh.] I said so the other night, and I repeat it now. If it is thought that it will be an advantage for Canada to have those fortifications, the money is but a trifling sum, and I am willing to vote for it. But I beg that my vote may not be misconstrued. Though I am quite willing to vote this money, and to vote any supplement that may be required to complete those fortifications, I don't consider myself pledged to the policy of maintaining any troops in Canada except such as may be wished for by the Canadians themselves to instruct them in the defence of Canada. [Cheers.]

Mr. DISRAELI. Though I cannot agree with the right honorable gentleman who has just sat down, I cannot say that I entirely approve the course taken by her Majesty's government with respect to this question. I highly disapprove the manner in which it has been introduced to us by placing on the table a despatch of a confidential character, the general result of which proceeding has been to import much alarm and complexity into the consideration of the subject. [Hear, hear.] It has also attracted a degree of attention by no means desirable to what, after all, is only the fulfilment of a duty of the government. I know there have been cases in which reports of a confidential character from officers of the government have been placed on the table of the House to prepare the public mind for large measures, and perhaps for some vote of public money; but, generally speaking, I think that course is not one which this house ought to sanction. [Hear, hear.] In all legal questions, in all questions of international law, the government wisely and properly, when asked for the opinion of the law officers of the Crown, alway surge the privilege which enables them to refuse the reasons upon which their professional advisers have given the advice which has regulated the conduct of the government. That is a rule which I think highly salutary, though it is sometimes disappointing to the House. It is one which ought to be followed in respect of the advice of other professional advisers of the Crown, when that advice involves the question of the defence of the empire, and naturally leads to matters of discussion respecting our relations with other powers, because such discussions are invariably of a very delicate character. [Hear, hear.] In this case, if that document drawn up by Colonel Jervois had not been thrown on the table of the House none of these discussions would have taken place. We vote this money on the responsibility of her Majesty's government, and not on that of Colonel Jervois. [Hear.] When her Majesty's ministers are satisfied, on the statements of the advisers whom they employ, that a certain course ought to be followed, it is their duty to expound the principle and make the application in their speeches, and not lay on the table a report of a dry and confidential character in order to explain their policy; but, whatever objection may be taken to the mode of the proposition of her Majesty's government—to the form in which it is put before the House—I have no hesitation as to the course I ought to follow, which is to support her

Majesty's government in this instance, because I myself feel persuaded that if there be any hesitation in this house it will discourage the Canadians in their action at perhaps the most critical period in the history of Canada. [Cheers.] I am perfectly willing to admit that no sentimental feeling about Canada, no motive of mere sentiment, would justify us in entering on a policy which we disapproved and which might ultimately be disastrous to that country. In that I entirely agree with the right honorable gentleman the member for Calne, but I cannot agree with the rest of his argument. He says no one has proved that Canada can be defended. Well, even if that be true, neither has any one proved that Canada can be invaded. [Hear, hear.] These things we must judge of by the powers of thought and by the experience which we have before us; and, though I listened to the right honorable gentleman with a great deal of attention, I am not at all inclined to admit that Canada cannot be defended. [Hear, hear.] It is matter of opinion, and with us laymen only matter of theory; but the right honorable gentleman and the few who may sympathize with him proceed on what appears to me to be a great fallacy. He always argues that if, unhappily, we were at war with America—an event which I think improbable, but which the right honorable gentleman seems to think imminent, for that, as I will prove, is the whole basis of his argument—our hostilities must be carried on in Canada or in some one other place: but I submit that if we were at war with America, our war must be carried on in every place we could wage it with advantage. [Hear, hear.] It would be waged not only on one ocean, but on both oceans, and wherever we could strike an effective blow at the enemy. (Cheers.) It follows as a strategic corollary from the argument of the right honorable gentleman that we are to allow America to invade Canada with the greatest facility, with the least cost of money and the smallest sacrifice of men. But, as a layman, it appears to me that the more difficult we make an invasion, the greater the demand on the resources, military and financial, of the invader, and by so much the more do we diminish his power at other points of attack and defence. (Cheers.) Therefore it appears to me preposterous of the right honorable gentleman to lay down that if we were at war with America we should permit America to obtain so considerable an advantage, when, even if we were not completely successful in Canada, we might, by resistance there, diminish the power of the enemy in some other place he was assailing or defending. [Hear, hear.] The right honorable gentleman has argued this case in the same spirit as that in which the case of the peninsular war was argued by the whigs some fifty years ago, when they said it was useless to oppose the power of Napoleon, because no one could stand before him. [Hear, hear.] But this assumption pervades the whole argument of the right honorable gentleman, that the power of America is the great power of the age, and that you cannot resist it. He tells us that America has hundreds of thousands of men, an army of veteran troops, commanded, which no one can deny, by some generals of singular ability, and whose operations have been attended with success; and he says, "How can you resist such a power in Canada?" Well, if war were to take place with America to-morrow, there might be some foundation for the views of the right honorable gentleman, but they are utterly inconsistent with the declaration of the right honorable gentleman that war won't take place, that he does not think it imminent, that he does not think it even probable; for are we to understand from the right honorable gentleman—a man of great acuteness, of great historical knowledge, and of considerable public experience—are we to understand from him that it will be the normal state of America to maintain this army, like the hosts of Xerxes? Does he think that if war breaks out in four or five years America will have an army of several hundred thousand men? If that be the opinion of the right honorable gentleman, I think it is one which he will find it difficult to support, looking at the financial position of America as put by the honorable member for Launceston. There can be no doubt that America has entailed upon herself an immense debt by the present struggle. I don't want to investigate what may be its real amount; I take it according to the official knowledge of the government; and so taking it, I find that debt—the burden of which is not to be calculated by the mere amount of principal, but in relation to the amount of the interest—is probably not less weighty than our own. I know the question has been asked, "Is it the intention of America to keep faith with the public creditor?" I believe it is. The Americans are naturally a sagacious people, and they know that if they did not keep faith with the public creditor the consequence must be ruinous to their country. [Hear.] If, then, America does keep faith in respect of her national engagements, she will not keep up 700,000 men, because for the maintenance of such an army she has had this year to raise £120,000,000. Therefore, it is not clear that if we went to war with America she would have these innumerable hosts, which are always at the command of the right honorable gentleman in his speeches, and which he tells us are always at hand in the United States. Let us see, then, what would be the position of Canada in respect of defences. An honorable gentleman stated the other night that England had not a general. That was a rather alarming statement; but the debate of this very night shows that there is a very considerable amount of military knowledge in this house, [a laugh,] and I have no doubt that if an emergency arose we should have some very able generals in the field. [Hear.] Now, it has been pretty generally admitted in this debate, which has been conducted with great ability, and has been highly interesting, that Canada, under ordinary circumstances, could bring into the field 100,000 fighting men. [Hear, hear.] Well, but the population of Canada is a high-spirited population, and under extraordinary circumstances it could do much more. [Hear, hear.] The right honorable gentle-

man and some others who spoke upon the subject seem to me to have no idea of what the creative inspiration of patriotism can do, and under its influence a brave people like the Canadians are much more likely to have 200,000 fighting men in the field for the future. Well, suppose you had 200,000 fighting men, well qualified to take the field, and supported by a series of strong places—I don't give it as my own opinion, for that would be absurd, but as the opinion of the highest authorities on these matters—with a series of strong places, of forts skilfully raised, they would be equivalent to a much larger force. You would have what would be equivalent to 300,000 fighting men, [laughter, and hear, hear,] and a force equivalent to that, and acting purely on the defensive, would be equal even to those hosts of which the right honorable gentleman has talked. Sir, the right honorable gentleman has settled the campaigns with the utmost facility. If campaigns could be settled by chopping logic, the right honorable gentleman would be the greatest general that ever existed. [Laughter.] I remember once hearing a distinguished general, whose name has been more than once mentioned in this debate—the Duke of Wellington himself—say that there was no man who could tell what the end of a campaign might be. [Hear, hear.] We know very well from our own knowledge how very doubtful the issue of campaigns has been, owing to the existence of soldiers of an extraordinary character—of some individual who, as you saw at Sebastopol, and as happened at Magdeburg, rose suddenly to do battle with conquering armies, and to throw back the advance of war for a year or two. [Hear, hear.] Such are the events which occur in the progress of war, and looking either to the number or the spirit of the people of Canada—knowing what they can do, and what I think myself in circumstances of excitement they will do—I cannot doubt, with the feeling of affection for England unimpaired, and with the encouraging presence of the trained warriors of our own country, that their resistance would be very considerable, and that its result would be by no means so certain as the right honorable gentleman seems to think. [Hear, hear.] The right honorable gentleman has also held out to us the prospect that the maintenance of our connexion with Canada must in his view be disgraceful in its result and calamitous to England. He has treated the ideas which we entertain of maintaining the connexion as merely sentimental. But I think I have shown that there are considerations which may induce the committee to believe that the right honorable gentleman has been too precipitate in coming to that conclusion. [Hear.] The right honorable gentleman in his argument always maintained that it is impossible to defend the frontier of Canada. But does he mean to say that for the future it is to be laid down as a principle that an extensive frontier is not to be defended? Because if he does, then, in effect, he contradicts all the principles of military science, and he confounds all those rules of policy which have regulated the action of nations with regard to boundaries. But why should the right honorable gentleman as a matter of course conclude that disgrace must befall the English arms in Canada and oppose the present resolution because that is the inevitable consequence of our interference? But what is the present proposition of the government? Does he find fault with the amount of the vote, the manner in which it is introduced, or the mode in which it is intended to dispose of it? The proposition of the government is to take precautions that our troops be not placed in a position in which they must necessarily be defeated or captured. It is to secure them from such a fate that the present propositon is made; and, therefore, if there be any serious conclusion to be drawn from the general views of the right honorable gentleman, it is rather that we should withdraw altogether from the attempt to maintain the independence of Canada, and altogether renounce the duties which, in my opinion, devolve upon us. [Hear, hear.] I cannot agree with the assertion of the right honorable gentleman that to talk of the duty which England has to fulfil in maintaining the independence of Canada ought to be treated as nothing better than a mere idle and sentimental boast. [Hear, hear.] The right honorable gentleman acknowledges Canada already as a republic. I do not grudge Canada her independence. I can anticipate those who are to follow us may view that country as an independent and powerful state; but I do not necessarily see that the form of her government is to be that of a republic. [Hear, hear.] All the traditions of Canada are very much opposed to such a form of government, and her recent experience would not, I think, make her particularly enamoured of republican institutions. [Hear, hear.] What is the moment when the right honorable gentleman refers to the future of Canada and when he calls upon us practically to depart? Why, it is at the very moment when North America is in a state of revolution, when no one can foresee the result of the vast changes and mighty vicissitudes which have occurred within the last four years and are still occurring. [Hear. hear.] I do not confine this remark to the United States or the Confederate States. Change is imminent in British America, and it is also most remarkable in Mexico. [Hear, hear.] We know that the British American provinces have all the elements of a great nation; they have now no inconsiderable population; they have immense resources. [Hear, hear.] The right honorable gentleman has described in his happy and picturesque language the true condition of the northern provinces of British America. These provinces and the lands contiguous to them have the means of sustaining not only millions, but tens of millions of population. And why, then, are we to doom Canada to her future and not very ennobling lot of being absorbed in the United States, or becoming the dependency of some American republic? [Hear, hear.] Canada has, I believe, its own future before it; we have a right to assume it. It has all the elements which make a nation. It has at this moment a strong development of nationality. It is influenced by feelings of attachment to us, of which we ought

to be proud. It has appealed to England for support, and it is not for us too narrowly to pry into the proposal of the government in order to see whether it is ample enough, or whether it has been introduced to us in the happiest manner. [Hear.] But what we are to consider is this: whether it is not the duty of the government to appeal to the Parliament of England and ask whether we will not cherish the connexion with the North American provinces which at present exists; whether we do not believe that in point of honor and in duty we are bound to do so, and that aided by us, these provinces have the means of establishing their independence of any foreign foe. [Hear, hear.] And, sir, with the full conviction on our part that these provinces can ultimately become an independent country, we shall find in that circumstance not a source of mortification, but a source of pride. [Cheers.]

Mr. CARDWELL. Sir, this debate has happily been characterized by the same spirit which characterized the former debate upon the same subject. It may be referred to without the smallest apprehension of exciting any feeling of hostility between us and that great country on the other side of the Atlantic, with which we are united by such close ties of interest. Sir, I should not have referred at all to this part of the question at the close of the debate if it had not been for remarks which were made and inquiries which were addressed to me by my honorable friend the member for Stockport, (Mr. Watkin.) My honorable friend asked me whether I could repeat the assurance that our relations with the United States were perfectly healthy, and whether I could give any information with respect to the reciprocity treaty, the maintenance of steamers upon the lakes, and also the question of passports. Now, I am happy to say that it is my good fortune to be able to give my honorable friend and the House information which will be agreeable to them upon this subject. [Hear, hear.] Since I came into the House I have received from the noble lord the governor general of Canada (Lord Monck) a despatch which confirms the agreeable reports which had already reached us through the ordinary channels of intelligence. He informs me that he has received a telegraphic despatch from Mr. Burnley, at Washington, to this effect: "The Secretary of State informs me that his government intends to withdraw the notice for the abrogation of the treaty of 1817, [cheers,] and the passport system will cease immediately." [Renewed cheers.] Sir, I refer to that announcement with feelings of the greatest pleasure; and now I trust we may proceed to discuss the important practical question which is before us in no spirit of panic, but in that just spirit which becomes the consideration of what is due to the honor and interests of our country, and which has characterized the mode in which the proposal has been considered by the House. [Hear, hear.] Because you are on friendly terms with the American government, because you hope that the friendly spirit which animates you is reciprocated by them, and because you are confident that two mighty nations of one blood, one origin, and one language are united by ties which should forever forbid the possibility of bloodshed between them—those considerations do not render it the less necessary that you should temporately consider the nature of your defences, and that you should be dependent for your safety only upon the power of your own country. My right honorable friend (Mr. Lowe) has said that in this debate no one has ventured to assert the contrary of the proposition which he laid down, and to maintain that Canada can be defended. I should have rather said, after listening attentively to every word in this debate, that until my right honorable friend himself rose almost the whole discussion had been upon one side, and there was nothing for those who support the vote to reply to except the argument of my right honorable friend. [Hear, hear.] The right honorable gentleman (Mr. Disraeli) objects to the mode in which this proposal has been made. He says that a document written by a distinguished officer for the information of the government ought not to have been produced to the House. It would be a very convenient doctrine for the government if they were to propose resolutions, as the right honorable gentleman has suggested, merely upon their own authority, without producing the reasons upon which they are founded. But the right honorable gentleman should remember the peculiar circumstances of the case. These proposals are addressed not only to this country, but to Canada. Colonel Jervois was sent out by the British government to make proposals to the Canadian government, and it is due to the House of Commons and the country, as well as to the people of Canada, that there should be some record of the result of that mission, and that the grounds upon which our present proposal rests should be stated. My right honorable friend (Mr. Lowe) has drawn, with his usual ability and power, a distinction between those arguments that rest upon authority and those that rest entirely upon logic. But I think my right honorable friend will find that argument and logic are sometimes deceptive weapons, running into the hand that uses them, and leading great masters of argument to conclusions not warranted by the result; and I think the House feels that, while my right honorable friend has argued his case with great command of logic, he has not carried with him the confidence and support of his audience, and will not convince the community at large. [Hear, hear.] It has always been considered that the defence of Canada rests partly with the mother country, but principally with the colonists themselves. We accordingly addressed to Canada advice which we thought wise and expedient, and now that she has taken the advice we are cordially prepared to do our just part in defending her. [Hear, hear.] My right honorable friend says it is impossible to defend Upper Canada, basing that opinion upon his own view of the campaign of 1776. But if he looks to the historians who describe this campaign, he will find that it was one of unexampled hardship, that the forces commanded by Arnold were reduced by famine to feed upon dogs, and, as the military critic of the campaign says, they

were compelled to attempt an escalade of Quebec because the season would not permit them to resort to a regular siege. The result was the destruction of a large portion of the troops and the death of the general in command, and when Arnold succeeded to the command he was compelled to retreat, leaving behind him his artillery, arms, and baggage. My right honorable friend quotes that as a proof that you can successfully carry on a winter campaign, but he does so in defiance of all military authority. Before the American Congress papers have recently been laid referring to the successful defence of Canada in former campaigns, when the French possessed Canada and we were the assailants; and this successful defence is ascribed not to any superiority in the French troops, but to the strength of their fortifications. When, therefore, my right honorable friend says that you cannot defend Upper Canada, I refer him to the opinion of one of the most distinguished officers of the American army, quoted in the papers I am alluding to, who speaks rather contemptuously of the opinions of civilians, and says it may be possible to come down from Upper Canada to Quebec and Montreal, but that the attempt will never be made if a proper military course be pursued by us. [Hear, hear.] He speaks of Quebec and Montreal as the strong places of Canada, and says it is there that the battle will be fought, and the fate of the country determined. In these papers Quebec and Montreal are not spoken of as places which cannot be defended. On the contrary, these American writers think that an attack there will be most arduous and difficult, and especially at Quebec, where, they say, they would have to meet the army and navy of the mother country and all the resources at her disposal. [Hear, hear.] As to the plan now before the House, it was not possible three years ago to ask Parliament for a large grant for the defence of Canada, for Canada then was making no exertions for her own defence. But Canada has now trained a large number of officers to take the command of her militia; she is increasing the number of military schools with a view to train a larger number of officers; her volunteers are now engaged in active service, receiving great praise from the inspecting officer, and acquiring popularity and infusing a military spirit among the colonists. She has a militia, and already 89,000 men have been ballotted for. She has applied for an officer to be the adjutant general of militia, in order to be trained according to the best and most approved system. Here, therefore, is the beginning of a large local force. In itself the proposal is, I think, a reasonable one; it is brought forward at the proper time; all military authority pronounces that Canada is capable of defence; and as the spirit and energy of her population are shown in providing for her defence, I think she is fairly entitled to the support and assistance of the mother country. [Hear, hear.] Under these circumstances I am sure that I only express the unanimous feeling of the House in saying that every sentiment of honor, and a just regard for the interests and welfare of the whole British empire, call upon us to support this measure. [Hear, hear.]

Mr. BRIGHT. I shall ask the attention of the House for only a few moments. If the honorable member (Mr. Bentinck) divides, I shall go into the same lobby with him. [Cheers and laughter.] I am afraid that in making that announcement I shall excite some little alarm in the mind of the honorable gentleman. [A laugh.] I wish, therefore, to say that I shall not go into the lobby agreeing with him in many of the statements he has made. The right honorable gentleman (Mr. Disraeli) said that he approached the military question with great diffidence, and I was very glad to see any signs of diffidence in that quarter. [Much laughter.] After that explanation he asked the House, with a triumphant air, whether there is any difficulty in defending a frontier of 1,000 or 1,500 miles, and whether the practicability of doing so is a new doctrine in warfare. But 1,000 or 1,500 miles of frontier to defend at the centre of your power, is one thing; but at 3,000 or 4,000 miles from the centre, it is an entirely different thing. [Hear, hear.] I venture to say that there is not a man in this house, or a sensible man out of it, who, apart from the consideration of this vote, or some special circumstances attending it, believes that the people of this country could attempt a successful defence of the frontier of Canada against the whole power of the United States. I said the other night that I hoped we should not now talk folly, and hereafter, in the endeavor to be consistent, act folly. We all know perfectly well that we are talking folly when we say that the government of this country would send either ships or men to make an effectual defence of Canada against the power of the United States, supposing war to break out. Understand, I am not in the least a believer in the probability of war, but I will discuss the question for one moment as if war were possible. I suppose some men in this house think it probable. But if it be possible or probable, and if you have to look this difficulty in the face, there is no extrication from it but in the neutrality or independence of Canada. I agree with those members who say that it is the duty of a great empire to defend every portion of it. I admit that as a general proposition, though honorable gentlemen opposite, and some on this side, do not apply that rule to the United States. But, admitting that rule, and supposing that we are at all points unprepared for such a catastrophe, may we not, as reasonable men, look ahead, and try if it be not possible to escape from it? [An honorable member. "Run away!"] No, not by running away, though there are many circumstances in which brave men run away; and you may get into difficulty on this Canadian question which may make you look back and wish that you had run away a good time ago. [Laughter.] I object to this vote on a ground which, I believe, has not been raised by any member in the present discussion. I am not going to say that the expenditure of £50,000 is a matter of great con-

sequence to this country, or that the expenditure of this money, in the proposed way, will be taken as a menace by the United States. I do not think that that can be fairly said, for, whether building fortifications at Quebec be useless or not, that proceeding is not likely to enable the Canadians to overrun the State of New York. ["Hear," and a laugh.] The United States, I think, will have no right to complain of this expenditure. The utmost it can do will be to show them that some portions, and perhaps the government, of this country have some little distrust of them, and so far it may do injury. I complain of the expenditure and the policy announced by the colonial secretary on a ground which, I thought, ought to have been urged by the noble lord, the member for Wick, who is a sort of half-Canadian. He made a speech which I listened to with great pleasure, and told the House what some of us, perhaps, did not know before, but if I had been connected as he is with Canada, I would have addressed the House from a Canadian point of view. What is it that the member for Oxford says? He states, in reference to the expenditure for the proposed fortifications, that, though a portion of the expenditure is to be borne by us, the main portion is to be borne by Canada; but I venture to tell him that if there shall be any occasion to defend Canada at all it will not arise from anything Canada does, but from what England does, and therefore I protest against the doctrine that the cabinet in London may get into difficulties and ultimately into war with the cabinet at Washington, and because Canada lies adjacent to the United States, and consequently may become the great battle-field, that this United Kingdom has a right to call on Canada for the main portion of that expenditure. [Hear.] Who has asked you to spend £50,000 and the hundreds of thousands which may be supposed to follow, but which, perhaps, Parliament may be indisposed hereafter to grant? What is the proportion which Canada is to bear? If we are to spend £200,000 at Quebec, is Canada to spend £400,000 at Montreal? If Canada is to spend double of whatever we may spend, is it not obvious that every Canadian will ask himself what is the advantage of the connexion between Canada and England? Every Canadian knows perfectly well, and nobody better than the noble lord the member for Wick, that there is no more prospect of a war between Canada and the United States alone than between the empire of France and the Isle of Man. If that is so, why should the Canadians be taxed beyond all reason, as the colonial secretary proposes to tax them, for a policy not Canadian, and for a calamity which, if ever it occurs, must occur from some transactions between England and the United States? There are gentlemen here who know a good deal of Canada, and I see behind me one who knows perfectly well what is the condition of the Canadian finances. We complain that Canada levies higher duties on British manufactures than the United States did before the present war, and much higher than France does. But when we complain to Canada of this, and say it is very unpleasant usage from a part of our empire, the Canadians reply that their expenditure is so much, and their debt, with the interest on it, so much, and that they are obliged to levy these heavy duties. If the Canadian finances are in the unfortunate position described, if the credit of Canada is not very great in the market of this country, and if you see what are the difficulties of the Canadians during a period of peace, consider what will be their difficulties if the doctrine of the colonial secretary be carried out, and that whatever expenditure is necessary for the defence of Canada, while we bear a portion, the main part must be borne by Canada. We must then come to the inevitable conclusion that every Canadian will say, "We are close alongside of a great nation; our parent state is three thousand miles away; there are litigious, and there may be even warlike people in both nations, and they may occasion the calamity of a great war; we are peaceable people, having no foreign politics, happily; we may be involved in war, and while the great cities of Great Britain are not touched by a single shell, nor one of its fields ravaged, not a city or a village in this Canada in which we live but will be liable to the ravages of war on the part of our powerful neighbor." Therefore, the Canadians will say, unless they are unlike all other Englishmen—who appear to have more sense the further they go from their own country [laughter]—that it would be better for Canada to be disentangled from the politics of England, and to assume the position of an independent state. I suspect from what has been stated by official gentlemen in the present government, and in previous governments, that there is no objection to the independence of Canada whenever Canada may wish it I have been glad to hear those statements, because I think they mark an extraordinary progress in sound opinions in this country. I recollect the noble lord at the head of the Foreign Office being very angry in this house at the idea of making a great empire less; but a great empire territorially may be lessened without its power and authority in the world being diminished. [Hear, hear.] I believe if Canada now, by a friendly separation from this country, became an independent state, choosing its own form of government—monarchical, if it liked a monarchy, or republican, if it preferred a republic—it would not be less friendly to England, and its tariff would not be more adverse to our manufactures than now. In the case of a war with America, Canada would then be a neutral country, and the population would be in a state of greater security. Not that I think there is any fear of war; but the government admit that it may occur by their attempt to obtain money for these fortifications. I object, therefore, to this vote, not on that account, nor even because it causes some distrust, or may cause it, in the United States, although that might be some reason; but I object to it mainly because I think we are commencing a policy which we shall either have to abandon because Canada

cawill not submit to it. or else which will bring upon Canada a burden in the shape of fortification expenditure that will make her more and more dissatisfied with this country, and that will lead rapidly to her separation from us. I don't object to that separation in the least. I believe it would be better for us and better for her. But I think that of all the misfortunes which could happen between us and Canada this would be the greatest, that her separation should take place after a period of irritation and estrangement, and that we should have on that continent to meet another element in some degree hostile to this country. I am sorry, sir, that the noble lord at the head of the government and his colleagues have taken this course; but it appears to me to be wonderfully like almost everything which the government does. It is a government apparently of two parts, the one part pulling one way and the other part pulling another, and the result generally is something which does not please anybody, or produce any good effect in any direction. ["Hear, hear," and a laugh.] They now propose a scheme which has just enough in it to create distrust and irritation—enough to make it in some degree injurious, and they don't do enough to accomplish any of the objects for which, according to their statements, the proposition is made. [Hear, hear.] Somebody asked the other night whether the administration was to rule or the House of Commons. Well, I suspect from the course of the debate that on this occasion the administration will be allowed to rule. We are accustomed to say that the government suggests a thing on its own responsibility, and therefore we will allow them to do it. But the fact is that the government knows no more of this matter than any other dozen gentlemen in this house. [Hear.] They are not a bit more competent to form an opinion upon it. They throw it down on the table and ask us to discuss and vote it. I should be happy to find the House disregarding all the intimations that war is likely, anxious not to urge Canada into incurring an expenditure which she will not bear, and which, if she will not bear, must end in one of two things—either to throwing of the whole burden upon us, or the breaking up, perhaps suddenly and in anger, of the connexion between us and that colony, making our future relations with her most unsatisfactory. I don't place much reliance on the speech of the right honorable member for Buckinghamshire; not because he cannot judge of the question just as well as I or any one of us can do, but because I notice that in matters of this kind gentlemen on that (the opposition) bench, whatever may have been their animosities towards the gentlemen on this (the treasury) bench on other questions, shake hands. They may tell you that they have no connexion with the House over the way, [a laugh,] but the fact is, their connexion is most intimate. [Hear, hear.] And if the right honorable member for Buckinghamshire were now sitting on the treasury bench, and the noble viscount were sitting opposite to him, the noble viscount, I have no doubt, would give him the very same support as he now receives from the right honorable gentleman. [Hear, hear.] This seems to me a question so plain, so much on the surface, appealing so much to our common sense, having in it such great issues for the future, that I am persuaded it is the duty of the House of Commons on this occasion to take the matter out of the hands of the executive government, and to determine that with regard to the future policy of Canada we will not ourselves expend the money of the English taxpayers, and not force upon the taxpayers of Canada a burden which I am satisfied they will not long continue to bear. [Hear, hear.]

LORD PALMERSTON. Sir, I am sorry that we shall not have the vote of the honorable member for Birmingham; but I thank him for the compliment which he has paid to the government. ["Hear," and a laugh.] He has said that the present proposal is a specimen of the usual conduct pursued by us—that is to say, we have made a proposal which I think the result will show is supported by the great majority of the House, and therefore I accept the compliment which he pays us—namely, that our usual and general course is so shaped as to receive the usual and general support. ["Hear, hear," and laughter.] Sir, I should hope that the honorable member for Norfolk, who has moved this amendment, might think, from the course which the debate has taken, that it would be well for him not to ask the House to come to a division upon it. [Hear.] He himself, if I did not misunderstand him, did not maintain that we ought not to defend Canada, or deny that we are bound in honor and in interest to do so. All he wished us to do was to postpone the present vote for further information, or for some other inquiry which he desired should be made. But I think he will see that, with only three exceptions or so, the vote has met with the general approval of all who have participated in the discussion. My right honorable friend behind me, the member for Calne, (Mr. Lowe,) has, indeed, taken that which, if I were not afraid of being accused of a play upon words, I should say was a very low ground. [Laughter and cheers.] He, I think, the honorable and gallant gentleman beside him, (Colonel Anson,) and the honorable member for Birmingham, were the only speakers who seemed inclined to oppose the vote; but I must correct myself even as to that, because my right honorable friend said that, notwithstanding all his objections, he would vote for the motion. [A laugh.] But the general tone and line of argument were so much in favor of the motion that I think it would be very undesirable on this occasion that there should appear to be a difference of opinion in the House. [Hear.] Sir, this is not a Canadian question; it is not a local question; it is an imperial question. It is a question which affects the position and character, the honor, the interests, and the duties of this great country; and I hold it to be of the utmost importance to the character of the nation in a case like this, and when the great majority of the House seem to be of the same opinion, that it should not go forth to the world

that there has been a difference of opinion on this motion; but that it should be seen to have been accepted by a unanimous House of Commons. [Hear.] Sir, there are one or two points with regard to which I think it right to express my dissent from some doctrines which have been laid down. Many gentlemen have argued this question as if there was a general impression and belief that war with the United States was imminent, and that this proposal of ours was for the purpose of meeting a sudden danger which we apprehended to be hanging over us. Now, I think there is no danger of war with America. Nothing that has recently passed indicates any hostile disposition on the part of the United States towards us; and, therefore, I do not base this motion on the ground that we expect war to take place between this country and America. But is it necessary that when you propose to put a country in a state of defence, you should show that war with some powerful neighbor is imminent and likely soon to take place? Why, the whole practice of mankind is founded on an entirely different assumption. [Hear] Every country which is able to do so, fortifies its frontier, if its neighbor is a powerful state which might, if it thought fit, attack it. But it is said that you can't defend Canada. Now, I utterly deny that proposition. [Cheers.] I think that is assuming a conclusion which no man is entitled to assume. Does the example even of the war now going on tend to justify that conclusion? The territory of the confederates is vast and extensive. Have they attempted to defend every portion of that territory? They have fortified certain important points, and those important points, although the rest of the country may have been overrun, have resisted attack—some of them even to this day, and others for three or four years of the contest. [Hear, hear.] Look at Richmond; is Richmond taken? [Hear, hear.] Has not Richmond been attacked for a great length of time? And what are its defences? Why, chiefly earthworks, with a force behind them; and, though that force is inferior in numbers to the force which threatens it, it has hitherto remained in confederate hands. The mere occupation of territory by an army that traverses through it without reducing its fortresses is no conquest. The conquest is limited to the ground that the invading army occupies, and when that army passes to another part of the country its conquest passes away with it. But all countries fortify particular points, and when those points are secure they trust that the general bulk of the territory is safe from any permanent occupation or conquest by any enemy who may attack it. It is urged that Canada has an extended frontier; but are no other States similarly placed in that respect? What country has the largest frontier? What is the extent of our own frontier? Why, the whole coast of the United Kingdom, [hear, hear;] and we might as well say that it would be necessary for the security of this country that we should line our whole coast with defensive works, because we may be attacked at any point of that great and extensive frontier. [Hear, hear.] I maintain, therefore, that there is nothing that has passed, nothing that is now passing between the government of the United States and our government, which justifies any man in saying that the relations between the two countries are likely, as far as present circumstances go, to assume a character of hostility leading to war. But, then, the honorable member for Birmingham says that any danger which might threaten Canada and our North American provinces must arise from political disputes between England and the United States. And, therefore, the honorable gentleman says that Canadians will find that their best security is, not in fortifications or in British support, but in separating themselves from Great Britain. Now, in the first place, that happens not to be the wish or inclination of the Canadians. [Cheers.] The Canadians are most anxious to maintain the connexion with this country. They are proud of that connexion; they think it for their interest; they are willing to make every exertion that their population and resources enable them to achieve, and, in conjunction with the efforts of this country, to preserve that connexion and prevent themselves from being absorbed by a neighboring power. Is it not, therefore, alike the duty and interest of this country, for the sake of that reputation which is the power and strength of a nation, when we find the Canadas and our other provinces desirous of maintaining the connexion, to do that which we may have the means of doing, in assisting them to maintain that connexion and remain united with Great Britain? [Hear, hear.] But, sir, is it true that the only danger which a smaller colonial state runs from a more powerful and larger neighbor arises from quarrels that may exist between the mother country and the foreign state? I say that is a total fallacy. Suppose these provinces separated from this country—suppose them erected into a monarchy, a republic, or any other form of government. Are there not motives that might lead a stronger neighbor to pick a quarrel with that smaller state with a view to its annexation? [Hear, hear.] Is there nothing like territorial ambition pervading the policy of great military states? The example of the world should teach us that as far as the danger of invasion and annexation is concerned, that danger would be increased to Canada by a separation from Great Britain, and when she is deprived of the protection that the military power and resources of this country may afford. [Cheers.] If these American provinces should desire to separate, we should not adopt the maxim that fell unconsciously from the honorable member for Birmingham, who maintained that the north was right in suppressing the rebellion of the south. We won't adopt his maxim, and think that we have a right to suppress the rebellion of the North American provinces. [A laugh] We should take a different line, no doubt, and if these provinces felt themselves strong enough to stand upon their own ground, and if they should desire no longer to maintain their connexion with us, we should say, "God speed you, and give you the means to maintain yourselves as a nation." That has not

happened; but, on the contrary, they much dislike the notion of annexation to their neighbors, and cling to their connexion with this country. And I say that it will be disgraceful to this country [cheers]; it would lower us in the eyes of the world; it would weaken our power and leave consequences injurious to our position in the world, if, while they desire to maintain their connexion with us, we did not do what we could to assist them in maintaining their position. [Hear, hear.] I think that the government are perfectly right in proposing this vote to the House. We are of opinion that all those examples which my right honorable friend behind me (Mr. Lowe) has adduced are not applicable. We all know that in winter the snow is so deep in Canada that if an army should march, it could only be in one beaten track, and that it would be impossible to carry on siege operations in winter. We know that warlike operations must be limited to the summer months, and we think that we can, by the fortifications now proposed—some to be made by the Canadians and some by this country—put Canada into such a state of defence that, with the exertions of her own population and assisted by the military force of this country, she will be able to defend herself from attack. [Hear, hear.] My right honorable friend the member for Calne argued in a manner somewhat inconsistent with himself, for what did he say? He says that you cannot defend Canada because the United States can bring a military force into the field much superior to that which you can oppose to them; yet the right honorable gentleman says we ought to defend Canada. You ought not to relinquish the connexion, he says, but you should defend Canada elsewhere. Where? Why, as you are not able to cope with the United States in Canada, where you have a large army and where you can join your forces to those of the Canadians, you should send an expedition and attack the people of the United States in their own homes and in the centre of their own resources, where they can bring a larger force to repel our invasion. If we are unable to defend Canada we shall not have much better prospects of success if we land an army to attack New York or any other important city. I really hope that the honorable gentleman (Mr. Bentinck) will be sufficiently satisfied by proposing this amendment, and that he will not think it necessary to disturb the unanimity of the House by insisting upon our going to a division. [Hear, hear.]

Mr. BENTINCK, in reply, said that there was no one more fully impressed than himself with the conviction that the honor and interests of this country were bound up in the defence of her colonies. He differed from the noble lord and the government, not as to the end, but only as to the means. He had been anxious that a full discussion of this important subject should take place, and he thanked the honorable gentleman the member for Birmingham for the perfect fairness with which he had let the cat out of the bag. [A laugh.] If he persisted, after the honorable gentleman's speech, in going to a division, he should be giving a vote that would be open to great misconstruction, because he should find himself in the same lobby with honorable gentlemen who would be giving the same vote with entirely different views, and he should be gaining their votes under false pretences. [Laughter, and Oh, oh!] He declined to receive their support under false pretences, and he therefore would not ask the House to go to a division. If a division took place, he should take no part in it. [A laugh.]

The CHAIRMAN having obtained from the honorable member for West Norfolk the assertion of his willingness to withdraw the amendment, put the question to the committee in the usual form—"Is it your pleasure that the amendment be withdrawn?"

As several voices replied in the negative, a division was called; whereupon Mr. Bentinck rose and left the House, amid ironical cheers and laughter.

The committee then divided: For the amendment, 40; against, 275; majority against the reduction of the vote, 235.

Mr. Seward to Mr. Adams.

No. 1320.] DEPARTMENT OF STATE,
Washington, March 25, 1865.

SIR: Your despatch of the 9th of March, No. 889, has been received.

After collating the speculations of the London Times (to which you have directed my attention) with similar utterances which have been made in Paris, I think I understand the object of the authors.

When the news of our late successes arrived in Europe, accompanied by exaggerated and perverted statements concerning the conference held at Hampton roads, it was apprehended that a peace would be hurriedly made by agreement. Neither British commercial interests nor the interests of large political parties in Great Britain could accommodate themselves all of a sudden to the cessation of the strife. French politicians thought that the political situation in Mexico would be embarrassed by so sudden and abrupt a termination of our

civil war. It must, therefore, be protracted, if possible; and if not the time must be improved to prepare the European mind for the end. I do not think the strategy is of any serious importance. The war will come to an end, neither the sooner nor the later for all that European politicians may think or wish about it, unless there is actual intervention; and that we do not expect to occur. Factious European combinations to embarrass will not affect results depending upon military and political agencies existing here. In the last twelve days I have seen six hundred deserters, veteran soldiers from Lee's army, pass up the avenue to the provost marshal's office and take the oath of allegiance to the United States. The war will come to its end because the rebels are weary of it, but not so soon as we and they wish, or as the enemies of our common country in Europe fear that it will.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1321.] DEPARTMENT OF STATE,
Washington, March 25, 1865.

SIR: Your despatch of the 9th of March, No. 890, has been received. I learn from it that Rumble, who was acquitted by a jury of Middlesex of the charge of equipping the pirate Victor, *alias* Rappahannock, has been relieved by her Majesty's government from active naval service, and put upon the half-pay list, as a proof that, notwithstanding the verdict referred to, his official conduct is nevertheless disapproved. This proceeding of the government is accepted as a new evidence of that good faith of the government which I have already acknowledged with sincere satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1322.] DEPARTMENT OF STATE,
Washington, March 25, 1865.

SIR: We learn from our consul at Liverpool that the pirate Shenandoah, having departed on some day unknown from Capetown, in Africa, destroyed eleven unarmed United States merchant vessels on the high seas, and was then received at Melbourne, in Australia.

Doubtlessly the consul has given you the same information. I trust that you have called the attention of Earl Russell to this new aggression of British subjects upon our national rights, which involves nothing less than the issuing of the pirate from one port in the British realm, her entertainment in a provincial British port on her way to the intended scene of her operations, and her reception at another British colonial port after having committed them.

Recent communications between this government and that of her Majesty on the general subject of piratical enterprises carried on from British ports have exhausted the argument of the United States upon the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1323.] DEPARTMENT OF STATE,
Washington, March 27, 1865.

SIR: Major General Sheridan is still at the White House, on the Pamunkey, repairing the waste his corps suffered in the late expedition.

The enemy on the morning of the 25.h made a sudden and violent assault upon Fort Steedman, situated on our siege line in front of Petersburg, carried the fort, and turned its guns upon its late possessors. They at the same time attacked Fort Haskell, situated on the same line, vigorously, but were repulsed. By a rapid concentration of forces Fort Steedman was regained, with all its guns, and the former condition of things was fully restored. Our loss is reported by General Grant at eight hundred, that of the enemy at three thousand, killed and wounded, and twenty-seven hundred prisoners.

Independent Union columns are pressing towards Lynchburg—one under Major General Hancock, through the Shenandoah valley, the other under Major General Stoneman, from Nashville, through Knoxville.

Major General Schofield reports that he entered Goldsboro' on the 21st, and found it evacuated by the enemy. He made important captures of railroad machinery. Major General Sherman had not arrived there on the 21st. The rebel press report a signal victory gained by them over him at Averysboro' on the 16th, with a loss of four hundred and fifty men on their side, and of three thousand on our side. They report also a victory gained by them over him at Bentonville on the 19th instant. We have no definite news from or about Sherman since he left Fayetteville. But unofficial reports from Newbern, so late as the 21st instant, allude to engagements of Sherman's left column with the enemy at Averysboro' and at Bentonville, and the reports state that Sherman's right column fought a battle and routed the enemy at Mount Olivet, on the Wilmington railroad, below Goldsboro', and that the rebels retreated towards Raleigh, and that General Sherman entered Smithfield, which is situate midway between Goldsboro' and the former place. Perhaps the telegraph will clear up the uncertainty which these somewhat conflicting reports have created.

Nothing definite concerning Mobile has been received.

Continued desertions from the rebel forces indicate a great demoralization in their army at Richmond.

You will find in the public journals an account of the conviction, confession, and execution of Kennedy, one of the incendiaries who went from Canada and set fire to the hotels in New York. It is reasonable to hope that the energy with which justice is being administered will bring to an end the war we have so long suffered from the British colonies on our border. I see that some of the hostile presses in Canada report that Mr. Robert J. Walker has been engaged as an agent of this government in a plot for the annexation of Canada to the United States, and that he contradicts the allegation. Should you find it necessary, you are authorized to say that Mr. Walker's visit and sojourn in Canada have been without any previous direction from and without even the knowledge of this government. It is not believed here that he has engaged in any proceedings unfriendly to Canada or the British authority existing there. Entirely unreserved and frank communications in regard to Canada exist between Mr. Burnley and this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to all our principal ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1325.] DEPARTMENT OF STATE,
Washington, March 27, 1865.

SIR: I transmit a copy of a letter of this date, addressed to this department by the Secretary of War, and of the papers to which it refers, relative to the communication to the insurgents at Richmond of a copy of Earl Russell's note to Messrs. Mason, Slidell and Mann, of the 13th of February last.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, March 27, 1865.

SIR: The communication of Earl Russell, herewith enclosed, was, at your request, transmitted by this department to Lieutenant General Grant, to be forwarded to General Lee. I have now the honor of returning it to you, with the accompanying letters of Lieutenant General Grant and General Lee, received by this department this morning.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dana to General Grant.

WAR DEPARTMENT,
Washington City, March 9, 1865.

GENERAL: This department has received from the honorable William H. Seward, Secretary of State, a communication, a copy of which is hereto annexed, for your information. The paper referred to therein is enclosed herewith. The Secretary of War directs me to request you to please cause it to be delivered to General Lee as requested, and report your action to this department.

I have the honor to be, sir, your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Lieutenant General U. S. GRANT,
Commanding Armies of the United States.

General Grant to Mr. Stanton.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., March 25, 1865.

SIR: I have the honor to forward herewith a communication of General R. E. Lee, "commanding armies Confederate States," of date 23d instant, with enclosures.

Very respectfully your obedient servant,

U. S. GRANT, *Lieutenant General.*

Hon. E. M. STANTON,
Secretary of War, Washington City.

R. E. Lee to General Grant.

HEADQUARTERS C. S. ARMIES, *March* 23, 1865.

GENERAL: In pursuance of instructions from the government of the Confederate States, transmitted to me through the Secretary of War, the documents recently forwarded by you are respectfully returned.

I am directed to say "that the government of the Confederate States cannot recognize as authentic a paper which is neither an original nor attested as a copy; nor could they under any circumstances, consent to hold intercourse with a neutral nation through the medium of

open despatches sent through hostile lines after being read and approved by the enemies of the confederacy."

I have the honor to be, very respectfully, your obedient servant,

R. E. LEE, *General.*

Lieutenant General U. S. GRANT,
Commanding United States Armies.

Mr. Seward to Mr. Adams.

No. 1326.] DEPARTMENT OF STATE,
Washington, March 27, 1865.

SIR: Since closing my circular of this date, we have received despatches from Lieutenant General Grant as follows:

"CITY POINT, VIRGINIA, 10.30 *a. m., March* 27, 1865.

"The battle of the 25th resulted in the following loss on our side: Second corps: killed, 51; wounded, 462; missing, 177. Sixth corps: killed, 47; wounded, 401; missing, 30. Ninth corps: killed, 68; wounded, 337; missing, 506. Our captures were: by the second corps, 365; sixth corps, 469; ninth corps, 1,949.

"The second and sixth corps pushed forward and captured the enemy's strong intrenched picket line and turned it against him, and still hold it. In trying to retake this the battle was continued until eight o'clock at night, the enemy losing very heavily.

"Humphrey estimates the loss of the enemy in his front at three times his own, and General Wright estimates it in his front as double. The enemy sent a flag of truce yesterday for permission to collect his wounded and bury his dead, which were between what had been their picket line and their main line of fortifications. The permission was granted.

"U. S. GRANT, *Lieutenant General.*

"Hon. EDWIN M. STANTON, *Secretary of War.*"

2d. A despatch dated eleven a. m., containing substance of report made by Major General Sherman, who arrived at Goldsboro' on the 22d, and combined there with Major General Schofield as follows:

"CITY POINT, 11 *a. m., March* 27, 1865.

"I am in receipt of Sherman's report of operations from the time he left Fayetteville up to the 22d instant. I forward it by mail this morning. It shows hard fighting, resulting in very heavy loss to the enemy in killed and wounded, and over two thousand prisoners in our hands. His own loss, he says, will be covered by twenty-five hundred men since he left Savannah. Many of them are but slightly wounded.

"U. S. GRANT, *Lieutenant General.*

"Hon. EDWIN M. STANTON, *Secretary of War.*"

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[Same, *mutatis mutandis*, to all our principal ministers in Europe.]

Mr. Adams to Mr. Seward.

No. 909.] LEGATION OF THE UNITED STATES,
London, March 29, 1865.

SIR: A telegram in the following words has just been received by me from Mr. Harvey at Lisbon. I transmit it as requested:

"Please inform department immediately that cruiser Stonewall arrived here Sunday evening, and left this morning, ordered out by government on my application. Niagara and Sacramento arrived [last] evening, and remain temporarily.

"HARVEY.

"LISBON, *March* 28, 1865."

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 910.] LEGATION OF THE UNITED STATES,
London, March 30, 1865.

SIR: I have to acknowledge the reception of despatches numbered from 1280 to 1302, both inclusive, with the exception of 1282, already received and acknowledged on the 17th instant.

* * * * * *

The most important of these relate to the condition of the relations between the two countries, and to the duty of reiterating to the British government the suggestions heretofore urged as to withdrawing from the rebels the recognition as belligerents so precipitately made by it in the first place. I shall of course seize an early opportunity to obtain an interview with Lord Russell, in order to communicate your views.

The events now passing with such rapidity in America have the effect to vary in equal proportion the state of opinion in this country. The alarmist policy for a time resorted to as a means of upholding sympathy for the rebel cause, of the course of which I have kept you so fully apprised in former despatches, received its first shock in the earlier debate in the Commons on the Canada estimates, and has now pretty thoroughly died away. The final blow was given to it by Mr. Cardwell, the colonial secretary, when he announced the decision made to abide by the arrangement of 1817 about armament on the Canadian boundary lines. There is now not a word said about the danger of war from the United States. I am told the impression is almost universal that that now waged will soon terminate in our complete success.

Such being the case, there appears to be less necessity for anxiety as to the possible effect of measures adopted on our side upon movements here. The only question left for consideration is one of expediency in regard to the mode of pressing them upon this government. Inasmuch as there is such strong reason to expect before long the question of belligerency to expire by its natural limitation, I cannot but think that this government would be more likely to anticipate a decision if it were left to the appearance of doing so as a voluntary act, than if placed in the light of yielding to dictation. It is not impossible that the fate of the application to Richmond might furnish the opportunity desired. The one great dread of the prime minister, as it regards American affairs, is that of appearing to be bullied. It inspired his whole course of action, as I well recollect, in the Trent case. It has had great influence in producing the sluggishness with which our remonstrances have been generally met. It is this feeling, shared in some degree by both branches of the English race, that interposes most of the obstructions in the way of their harmony. I shall endeavor to bear this in mind whilst I labor to execute your instructions.

I cannot but view it as quite fortunate for myself that the British government, in sending out Sir Frederick Bruce, has determined to transfer the discussion of the reciprocity treaty to Washington. I confess I should regard a proceeding very ominous of failure with this government which was directed to begin by imposing as an absolute condition upon it the performance of an act having no immediate connexion with the subject-matter of the negotiation.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 912.] LEGATION OF THE UNITED STATES,
London, March 30, 1865.

SIR: I have read with great interest the contents of your despatch 1302, of the 11th of March, addressed to me in common with several other representatives of the United States in Europe. I shall take care to conform my action to the wishes of the government so far as any may be called for in connexion with the equipment and manning of the Stonewall.

It appears from the newspapers of this morning that this vessel, which had put into Lisbon, was obliged to quit there immediately; and, further, that a grave difficulty has grown out of an alleged attempt by the Niagara and Sacramento, which had pursued her there, to leave that port contrary to the will of the authorities. The circumstances are not stated upon any authority that can be relied on. I presume that you will receive them in due course from the minister in Portugal, Mr. Harvey.

I continue of the opinion that the Stonewall will prove not to be seaworthy. She may be indebted for her safety to luck in the absence of trying weather. Hence it will be as well to be fully prepared against any surprise.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 913.] LEGATION OF THE UNITED STATES,
London, March 30, 1865.

SIR: In my despatch No. 884, of the 23d February, I made a report of my action under the instructions contained in your No. 1257, of the 1st of the same month. I now transmit a copy of a note from Lord Russell in reply. The allegation against the master of the Linda Florida appears to be in substance admitted as true, though the consul pleads ignorance of the actual character of the flag.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March* 27, 1865.

SIR: I instructed her Majesty's consul for the Balleric islands to direct the British vice-consul at Port Mahon to furnish a report relative to the alleged misconduct of the master of the British vessel Linda Florida, in hoisting an American flag under the British colors when in that harbor. And I have now the honor to enclose, for your information, a copy of the vice-consul's report upon the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Mercadal to Mr. Considine.

BRITISH VICE-CONSULATE,
Mahon, March 10, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch No. 1, dated March 6 current, respecting the information obtained by Earl Russell of the British vessel Linda Florida, of which Mr. Hallowell was master, having hoisted an American flag under the British colors when in the harbor of Port Mahon.

I beg to report to you, as directed by his lordship, that I had no knowledge of the facts of this case. I immediately made inquiries as to the truth of the allegation, and from the particulars I could obtain, I beg now to inform you that, on the 1st of January, current, in addition to her signals which she kept flying that day, the Linda Florida, then in the harbor of Mahon, hoisted at the foremast head a flag, which some persons described to have been the American flag, whilst others, without having an absolute certainty of their assertion, suppose to have been the colors adopted by the States styling themselves the Confederate States of America.

I have, &c., &c.,

F. MERCADAL, *Vice-Consul.*

J. CONSIDINE, Esq., &c., &c., &c.,
Her Britannic Majesty's Consul, Palma.

Mr. Adams to Mr. Seward.

No. 914.] LEGATION OF THE UNITED STATES,
London, March 30, 1865.

SIR: I have the honor to transmit a copy of a resolution passed at a meeting held in St. George's Hall, Gray's Inn road, in this city, which has been sent to this legation with a request that it be forwarded to the President.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Resolutions passed at George's Hall.

1st resolution. That this meeting having heard the address of the Reverend Crammond Kennedy, fully approves of the object of the Freedmen's Relief Association in America, which, while administering immediate temporal relief, seeks to give such aid, physical and educational, and to apply such moral and religious culture, as shall, under the divine blessing, enable the once downtrodden and degraded slave to act for himself, and to give evidence of his capacity for the blessings of freedom and equality in the eye of the law.

Proposed by the Rev. Dr. Massie, and seconded by Mr. John Presland.

2d resolution. That this meeting commence subscriptions forthwith, in aid of the fund for the relief of the freedmen, and appoint a committee to canvass both for money and clothes, to be received at the school-room of Argyle Square church, and forwarded to the depot as early as possible.

Proposed by Mr. Richard Gunton, and seconded by Mr. C. W. Smith.

3d resolution. That this meeting of north London affectionately and fraternally congratulates the people of the United States of America on the progress they have made of removing from their country the curse of slavery, since the election of their noble President, Abraham Lincoln, and the sad attempt to form a separate slave confederacy, and cordially expresses the hope that the blessings of peace may soon be restored to them.

Proposed by Mr. Robert Jobson, and seconded by Mr. ——— Taylor.

Rev. Dr. BAYLEY, *Chairman.*

Mr. Seward to Mr. Adams.

No. 1328.] DEPARTMENT OF STATE,
Washington, April 4, 1865.

SIR: I have received your despatch of the 14th of March, No. 892, and I give you my thanks for the attention you have shown in sending me so promptly a

report of the parliamentary debate held on the 13th instant, upon the appropriation for the defence of Canada.

There is a way in which the British government can render that important dependence of the Crown entirely secure for an indefinite period, and that way is a cheap and easy one. It consists in the practice of simple justice by the British nation towards the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1329.] DEPARTMENT OF STATE,
Washington, April 4, 1865.

SIR: On the 29th instant Major General Sherman, who had come up from Goldsboro' to City Point, had a conference there with the President and Lieutenant General Grant. General Sherman immediately thereafter returned to his own command. On the 28th instant the Lieutenant General organized a large movable force below Petersburg, and so disposed of it as to oblige the rebel General Lee to weaken his batteries in intrenchments, or leave the Southside railroad unprotected. The movement continued with alternating advance and retreat throughout the 28th, 29th and 30th. On the 31st General Sheridan, in command of the cavalry arm, seized the Southside railroad, and sweeping backwards, flanked the forces of Lee, and obtained a signal victory. On the 2d the main force, under the Lieutenant General's immediate command, broke through the enemy's intrenchments below Petersburg, and then, by contracting their line to the Appomattox, above the city, completed their investment. Early on the 3d Petersburg and Richmond were evacuated. General Weitzel entered the rebel stronghold, and the Lieutenant General was in pursuit of the retreating rebel army. The Lieutenant General reports that in the engagements which preceded the evacuation of Petersburg our forces captured 50 guns and 12,000 prisoners. Here our information concerning this great movement ends. The country has surrendered itself up to demonstrations of joy and gratitude to Almighty God. Major General Hancock, with a large force, is still in the valley of Virginia, awaiting the Lieutenant General's orders.

Major General Stoneman, with the cavalry of the army of the Cumberland, is reported crossing the Blue Ridge, at Boone, in North Carolina, to co-operate with the armies under the Lieutenant General and Major General Sherman.

We hear of an advance by land and sea against Mobile, but not yet of the result of that important manœuvre.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to all our principal ministers in Europe.]

Mr. Seward to Mr. Adams.

No. 1332.] DEPARTMENT OF STATE,
Washington, April 4, 1865.

SIR: Your despatch of the 16th ultimo, No. 897, together with its accompanying copies of the correspondence between Earl Russell and yourself upon the

subject of the sale of the Alexandra, *alias* the Mary, at Nassau, has been received, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1333.] DEPARTMENT OF STATE,
Washington, April 4, 1865.

SIR: I have received your despatch of the 17th ultimo, No. 900, informing me that the pirate Shenandoah had arrived at Melbourne, and of the probable destination of that vessel after leaving that port. I have communicated the information to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1334.] DEPARTMENT OF STATE,
Washington, April 4, 1865.

SIR: Your despatch, No. 896, of the 16th ultimo, together with its accompanying copies of a correspondence between Earl Russell and yourself upon the subject of the steamer Laurel, *alias* the Confederate States, has been received, and your proceeding is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1335.] DEPARTMENT OF STATE,
Washington, April 4, 1865.

SIR: Your despatch of the 16th ultimo, No. 894, together with its accompanying copy of a note of the 11th ultimo, addressed to you by Earl Russell, upon the subject of the existence in the provinces of Nova Scotia of an organization for the purpose of destroying the ships of the United States upon the lakes and elsewhere, has been received, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1336.] DEPARTMENT OF STATE,
Washington, April 4, 1865.

SIR: Your despatch of the 16th of March, No. 893, has been received. I approve entirely of all that you have written therein concerning the expediency of a conciliatory tone on our part towards Great Britain. That tone has

been preserved by us to the highest degree which is compatible with the spirit of a nation, that not only is deeply injured in its rights by a prostitution by British subjects of the Queen's proclamation of neutrality, but is also deeply wounded in its generous national spirit. I reaffirm what you have said to Earl Russell, that the United States are not grasping for Canada, nor are they cherishing any purpose of retaliation or revenge. But I must at the same time ask you to urge upon Earl Russell that every day's persistence by Great Britain in an attitude of proclaimed neutrality by the government which is violated with impunity, by British subjects, on the ocean and upon our borders, increases the alienation which both governments justly deplore. The time has come when the United States may not only rightly but with serious earnestness ask relief.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1337.] DEPARTMENT OF STATE,
Washington, April 4, 1865.

SIR: I give you herewith a copy of a note from Mr. Burnley, which announces the discharge of the St. Albans felons from arrest upon our treaty requisition, and of orders for their re-arrest for violations of the Queen's neutrality.

I append also a copy of my latest instructions upon the subject to the United States consul at Montreal.

And further, a copy of a notice which has this day issued from the Department of State.

You will please bring these proceedings to the notice of Earl Russell, and inform him of my apprehensions that the new judicial prosecution which has been instituted will fail, like so many others.

Such an event would be very untoward, and produce much exasperation. It is not easily seen why her Majesty's government should continue to recognize as a belligerent a class of men, despicable in numbers. Although they recklessly trample the laws of Great Britain under their feet, while committing atrocious crimes against a friendly power, yet they can neither be surrendered to us for punishment, nor subjected to punishment by British tribunals.

It certainly would not be an easy task to satisfy the people of the United States that, in enduring such proceedings, this government exercises a just protection over the lives and property of our citizens, and a right sense of national honor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Burnley to Mr. Seward.

WASHINGTON, *April* 3, 1865.

MY DEAR SIR: Viscount Monk informs me, by telegraph, that the Canadian courts had decided that the St. Albans raiders could not be surrendered, and they were consequently discharged.

It appears, however, that the governor general directed their immediate re-arrest on a charge of violating the Queen's neutrality.

Believe me to remain, my dear sir, yours very faithfully,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Potter.

[Extract.]

No. 115.] DEPARTMENT OF STATE,
Washington, March 21, 1865.

SIR: Your despatch of March 15, No. 170, has been received and carefully considered. The disposition and proceedings of the United States towards Canada have been friendly and liberal. The wrongs we have suffered from her have been unprovoked. Of all the felons harbored there, who have assailed our cities and citizens, only one has yet been delivered up to us upon our demand, and not one has yet been punished.

We can go no further in the way of conciliation until we have some greater show of reciprocity.

It may seem to the Canadians that they are relieved from responsibility to us by their political connexion with other portions of the British empire, distinguished for illiberality to our country, but that circumstance, so far from increasing, diminishes our security.

* * * * * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN F. POTTER, Esq.,
U. S. Consul General, Montreal.

NOTICE.

To all whom these presents may concern:

Whereas, for some time past, evil-disposed persons have crossed the borders of the United States, or entered their ports by sea from countries where they are tolerated, and have committed capital felonies against the property and life of American citizens, as well in the cities as in the rural districts of the country:

Now, therefore, in the name and by the authority of the President of the United States, I do hereby make known that a reward of one thousand dollars will be paid, at this department, for the capture of each of such offenders, upon his conviction by a civil or military tribunal, to whomsoever shall arrest and deliver such offenders into the custody of the civil or military authorities of the United States. And the like reward will be paid, upon the same terms, for the capture of any such persons so entering the United States, whose offences shall be committed subsequently to the publication of this notice.

A reward of five hundred dollars will be paid, upon conviction, for the arrest of any person who shall have aided and abetted offenders of the class before named within the territory of the United States.

[L. S.] Given under my hand, and the seal of the Department of State, at Washington, this fourth day of April, A. D. 1865.

WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Adams.

No. 1338.] DEPARTMENT OF STATE,
Washington, April 5, 1865.

SIR: I transmit with this communication a copy of the following papers, namely: a note from this department of the 14th of January last, relative to the movements of the steamer Sea King or Shenandoah, one of the 14th of February, relative to those of the steamer Ajax, both addressed to the British minister, and one of the 1st instant from J. Hume Burnley, esq., enclosing in his reply a copy of a despatch of the 14th of last month, addressed to him by the lieutenant governor of Bermuda.

This correspondence is sent to you as a new illustration of the error of referring us to laws that are unavailing for protection. In that sense you will make such use of it as may in your judgment best promote the adoption by the proper authorities of measures which will remedy this evil.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For enclosures see correspondence with British legation, current series.]

Mr. Adams to Mr. Seward.

No. 915.] LEGATION OF THE UNITED STATES,
London, April 5, 1865.

SIR: I have the honor to forward to you, by the desire of Mr. Harvey, the minister at Lisbon, a copy of the telegram received from him at this legation yesterday evening. There appears to be some error in the transmission of the last sentence. The general sense is, however, satisfactory.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Telegram.]

Mr. Harvey to Mr. Adams.

LISBON, *April* 4, 1865.

Hon. CHARLES FRANCIS ADAMS, *American Minister, London:*

Please inform department immediately that firing at Niagara in Tagus was blunder of an officer, for which he has been dismissed. Niagara suffered no injury whatever; government has made full disavowal and atonement, and will salute flag.

HARVEY.

Mr. Adams to Mr. Seward.

No. 916.] LEGATION OF THE UNITED STATES,
London, April 6, 1865.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1303 to 1316, inclusive.

With regard to the directions contained in Nos. 1309, 1311, and 1315, as well as 1294, previously received, I had obtained an opportunity for an interview with Lord Russell to talk over the matters contained in them on Tuesday last; but upon paying my visit, I found his lordship was so unwell as to be unable to see me. I then left with him the despatches, as he had suggested, for his information only; and I made an arrangement to wait upon him as soon as he should be prepared to assign me a day.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 917.] LEGATION OF THE UNITED STATES,
London, April 7, 1865.

SIR: I have made a careful examination of the instructions that have been given to me in your several despatches, numbered 1250, 1256, 1274, 1278, 1293, 1296, 1297, 1304, 1310, and 1313, all of them more or less enjoining it upon me to renew remonstrances against the course of the British government in continuing

to recognize the rebels as a belligerent on the ocean, and claiming indemnity for the depredations of the vessels that have been fitted out from this kingdom under the shelter thus given. They likewise direct me to demand an early revocation of that measure. * * * * *

On mature reflection I have concluded the best policy to be to compress the execution of the whole of the instructions which I have received in the contents of a single note. This has been carefully prepared, and will probably be ready to be sent in to-day. As it is rather long, I am afraid that there will not be time enough to transmit to you a copy by this steamer. * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 919.] LEGATION OF THE UNITED STATES,
London, April 7, 1865.

SIR: Before this reaches you the intelligence of the death of Richard Cobden will have been received in the United States. Suitable notice of this event was taken by Lord Palmerston and Mr. Disraeli, the leaders of the respective parties in the House of Commons on Monday evening.

Of the part which Mr. Cobden has taken upon the questions that have grown out of the present war it is needless to remind you. The independence of his position as between the parties, the vigor of his reasoning, the moderation of his manner, and the peculiar persuasiveness of his eloquence, all conspired to give him a strong power to check the dangerous tendencies of both. Even to the last his earnest anxiety to preserve the friendly relations between the countries was predominant. It prompted him to that effort to come up to London to take a part in the debate on the Canada estimates which undoubtedly hastened his decease. This loss will be severely felt by us in the next House of Commons, which will probably be made up of partially new elements needing some such plastic hand to form them into shape. Mr. Cobden stood almost alone among the leading statesmen of this country in advocating a system of conciliation towards foreign nations by a policy essentially pacific and commercial, rather than ambitious and repulsive. Whatever differences of opinion there may be upon the merits of it, as a whole, there can be none as to the change it was gradually working, even in the limited extent to which it had been adopted, in softening the prejudices of the exterior nations of Europe towards this people. The strongest evidence of this is to be found in the almost universal testimony borne by the continental press, especially that of France, upon the occasion of his death. It may be doubted whether any other public man now living here could have elicited any similar commendation.

In consideration of the circumstances attending his death, and of the fact that the act will probably be agreeable to the numerous friends of the deceased, I and my first secretary, Mr. Moran, have determined to attend the funeral obsequies at the place of his late residence in the country this day. This will make it necessary to have the despatches prepared for the bag that goes this week ready by an early hour this morning.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1343.] DEPARTMENT OF STATE,
Washington, April 10, 1865.

SIR: Your despatch of the 23d ultimo, No. 905, together with its accompanying address to the President from the Union and Emancipation Society of Glasgow, on the passage of the constitutional amendment through both houses of Congress has been received. The President is sincerely gratified to receive these expressions of friendly sentiments and good wishes.

I am, sir, your obedient servant,

WILLIAM H. SEWARD,
By F. W. SEWARD, *Assistant Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Circular.]

No. 1344.] DEPARTMENT OF STATE,
Washington, April 10, 1865.

SIR: The past week has been characterized by a rapid and uninterrupted series of military successes more momentous in their results than any that have preceded them during the war. Richmond and Petersburg, with all their communications and vast quantities of supplies and material of war, have been captured by our armies. The insurrection has no longer a seat of its pretended government. Its so-called officials are fugitives. Its chief army, after being reduced by repeated defeats and demoralization to less than one-third of its former numbers, has been retreating closely pursued and hemmed in by the victorious forces of the Union, and encountering fresh losses at every step of its flight, until the triumph of the national armies finally culminated in the surrender of General Lee and the whole insurgent army of northern Virginia to Lieutenant General Grant yesterday afternoon at half past four o'clock.

Henceforth it is evident that the war, if protracted, can never resume its former character. Organized operations of campaign or siege, carried on by disciplined and effective armies, are no longer possible for the insurgents. Depredations by marauding gangs, and defence of remote and isolated inland fastnesses, may, perhaps, still be continued; but even these can endure but for a time. Not the least significant feature of these triumphs is the reception extended by the inhabitants to the advancing armies of the Union; their entire acquiescence, and, in many instances, their apparently sincere rejoicings at the return of its protecting authority over the insurgent district.

I am, sir, your obedient servant,

WILLIAM H. SEWARD,
By F. W. SEWARD, *Assistant Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. F. W. Seward to Mr. Adams.

[Circular.]

No. 1345.] DEPARTMENT OF STATE,
Washington, April 10, 1865.

SIR: I regret to state that a serious accident has occurred to the Secretary of State, and that his injuries are so severe as to render it impossible, for the

present, that he should give any attention to matters of official business. It is hoped that in a few days he will so far have recovered from its effects as to be able to resume, in some degree, his official duties. Your recent despatches will then be submitted to him. Until that time their consideration is necessarily deferred.

The great events of the week seem to presage the early return of peace, without impairing the foundations of freedom and the Union. In the absence of the Secretary no special instructions are forwarded to you by this mail in reference to the bearing of these events, and I hardly need advise you that there is nothing in the general policy of the department which it is deemed necessary to change.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. F. W. Seward to Mr. Adams.

No. 1346.] DEPARTMENT OF STATE,
Washington, April 10, 1865.

SIR: Your despatch No. 903, of the 23d ultimo, together with its accompanying copies of a correspondence between yourself and Lord Russell upon the subject of the discontinuance of the reciprocity treaty, has been received, and is approved.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

No. 1347.] DEPARTMENT OF STATE,
Washington, April 10, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 24th of March, No. 908, together with a copy of the Times, containing a report of the proceedings in both houses of Parliament on the evening of the 23d ultimo, from which it is evident that the tone of the British ministry towards this government is much changed. The indications of a more just appreciation of American affairs in England are received with satisfaction.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

No. 1348.] DEPARTMENT OF STATE,
Washington, April 10, 1865.

SIR: I transmit to you a letter from the President of the United States to Queen Victoria, in answer to one just received from her Majesty, notifying the President of the resignation of Lord Lyons as minister to this country from

Great Britain. An office copy of the President's letter is also sent, which you will communicate to the minister for foreign affairs, with a request that he will indicate to you in what manner it will be most agreeable to her Majesty to receive the original.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

ABRAHAM LINCOLN, *President of the United States of America, to her Majesty* VICTORIA, *Queen of the United Kingdom of Great Britain and Ireland, &c., &c., &c., sendeth greeting:*

GREAT AND GOOD FRIEND: I have received the letter which your Majesty was pleased to address to me on the 28th ultimo, informing me that the right honorable the Lord Lyons, who has for some time been accredited to this government in the character of your Majesty's envoy extraordinary and minister plenipotentiary, having represented to your Majesty that the state of his health will not allow him to resume his duties in that character, and having requested your Majesty to accept his resignation, your Majesty has with great regret acceded to his lordship's wish and recalled him.

I consider it but justice to Lord Lyons to state to your Majesty, that during his residence here his language and conduct have been well calculated to promote harmony and good understanding between the two countries, and have deserved the approbation of this government, and I share your Majesty's regret at the cause of his resignation. He has, I do not doubt, since his return to London, assured your Majesty of the invariable friendship of the United States, and of their cordial good wishes for the prosperity and happiness of your Majesty's realm. I derive much satisfaction from the assurance contained in your letter of the interest your Majesty takes in all that concerns the welfare and prosperity of the United States, which is fully reciprocated on my part and by the government and people of the United States; and so I recommend your Majesty to the protection of the Almighty.

Written at Washington, the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

Your good friend,

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

Mr. F. W. Seward to Mr. Adams.

No. 1350.] DEPARTMENT OF STATE
Washington, April 12, 1865.

SIR: I transmit herewith a printed copy of three proclamations of the 11th instant, made by the President of the United States—one relating to the closing of certain ports of entry, another supplementary thereunto and relating to the port of Key West, in Florida, and a third relating to reciprocal hospitalities to the vessels of foreign navies in the ports of the United States, and to vessels of the navy of the United States in foreign ports. You will perceive by these proclamations that it is believed that the time has arrived when the United States (whatever claim or pretence may have existed heretofore to the contrary) are now entitled to claim the same friendly rights and hospitalities for their naval vessels which they are willing to concede to those of all maritime nations.

I am, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by my proclamations of the nineteenth and twenty-seventh days of April, one thousand eight hundred and sixty-one, the ports of the United States in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, were declared to be subject to blockade; but whereas the said blockade has, in consequence of actual military occupation by this government, since been conditionally set aside or relaxed in respect to the ports of Norfolk and Alexandria, in the State of Virginia; Beaufort, in the State of North Carolina; Port Royal, in the State of South Carolina; Pensacola and Fernandina, in the State of Florida, and New Orleans, in the State of Louisiana;

And whereas, by the fourth section of the act of Congress, approved on the thirteenth of July, eighteen hundred and sixty-one, entitled "An act further to provide for the collection of duties on imports and for other purposes," the President, for the reasons therein set forth, is authorized to close certain ports of entry:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, do hereby proclaim that the ports of Richmond, Tappahannock, Cherrystone, Yorktown, and Petersburg, in Virginia; of Camden, (Elizabeth City,) Edenton, Plymouth, Washington, Newbern, Ocracoke, and Wilmington, in North Carolina; of Charleston, Georgetown, and Beaufort, in South Carolina; of Savannah, St. Mary's, and Brunswick, (Darien,) in Georgia; of Mobile, in Alabama; of Pearl river, (Shieldsborough,) Natchez, and Vicksburg, in Mississippi; of St. Augustine, Key West, St. Mark's, (Port Leon,) St. John's, (Jacksonville,) and Appalachicola, in Florida; of Teche, (Franklin,) in Louisiana; of Galveston, La Salle, Brazos de Santiago, (Point Isabel,) and Brownsville, in Texas, are hereby closed, and all right of importation, warehousing, and other privileges, shall, in respect to the ports aforesaid, cease until they shall have again been opened by order of the President; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo shall be forfeited to the United States.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States of America the eighty-ninth. [L. S.]

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by my proclamation of this date, the port of Key West, in the State of Florida, was inadvertently included among those which are not open to commerce:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, do hereby declare and make known that the said port of Key West is and shall remain open to foreign and domestic commerce upon the same conditions by which that commerce has there hitherto been governed.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States of America the eighty-ninth. [L. S.]

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, for some time past, vessels-of-war of the United States have been refused, in certain foreign ports, privileges and immunities to which they were entitled by treaty, public law, or the comity of nations, at the same time that vessels-of-war of the country wherein the said privileges and immunities have been withheld have enjoyed them fully and uninter-

ruptedly in ports of the United States, which condition of things has not always been forcibly resisted by the United States, although, on the other hand, they have not at any time failed to protest against and declare their dissatisfaction with the same; [and whereas] in the view of the United States, no condition any longer exists which can be claimed to justify the denial to them, by any one of such nations, of customary naval rights, as has heretofore been so unnecessarily persisted in:

Now, therefore, I, Abraham Lincoln, President of the United States. do hereby make known, that if, after a reasonable time shall have elapsed for intelligence of this proclamation to have reached any foreign country in whose ports the said privileges and immunities shall have been refused, as aforesaid, they shall continue to be so refused, then and thenceforth the same privileges and immunities shall be refused to the vessels-of-war of that country in the ports of the United States, and this refusal shall continue until war vessels of the United States shall have been placed upon an entire equality in the foreign ports aforesaid with similar vessels of other countries. The United States, whatever claim or pretence may have existed heretofore, are now, at least, entitled to claim and concede an entire and friendly equality of rights and hospitalities with all maritime nations.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States of America the eighty-ninth.

[L. S.]

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 922.] LEGATION OF THE UNITED STATES,
London, April 12, 1865.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 1317 to 1327, inclusive.

I have also received in a note from the despatch agent at Boston, Mr. Emory, a telegram requesting me to send notice to Mr. Perry, at Madrid, concerning Mr. J. P. Hall and the steamer Kearsarge, which I caused to be done yesterday, the 11th instant.

I had an interview with Lord Russell yesterday, and brought to his notice such parts of the contents of your Nos. 1317, 1321, 1322, 1323, and 1325, as you wished him to know, as also the contents of a note I had just received from Mr. Dudley, the consul at Liverpool, respecting the arrival of the Tallahassee at that place under the guise of a merchantman.

He seemed to be gratified with the language of No. 1321. This led to a vague, general conversation upon the subject of the outfits and other operations of the rebels, and the efforts that had been made to check them, from which I recollect no material point to report. He alluded to the receipt of my note to him of the 7th instant, which embodies the general argument on this subject as being of so important a nature that he should be obliged to take the opinion of the cabinet before making a reply. As the members are dispersed in the country during the Easter holidays, it is not probable that a meeting will take place for a week or two.

I think I perceive some beneficial results from the more energetic injunctions issued to the authorities in the colonial dependencies in checking the abuses of neutrality, which have heretofore been tolerated in almost all their ports. The accounts of the proceedings at Melbourne are very similar to those reported at Bermuda by Mr. Allen in the letter, a copy of which came to me with your No. 1317 of the 22d of March. They must be very embarrassing to the rebel cruisers. Had this government started with such measures at the outset, the effect would have been materially to discourage the prosecution of the schemes, and to deter

British subjects from those measures of active sympathy which have given them nearly all their force. The reasons why it did not do so are not difficult to trace. They sprang partly from the natural inertia of the system, rarely to be overcome excepting under the pressure of strong popular feeling, and partly from the inharmonious temper of the cabinet on the subject of our affairs. It is not quite within the range of a despatch liable to be published to dwell more fully upon such matters. Enough to say that the course of events has, to a certain extent, modified previous difficulties and inspired more union in the prosecution of an energetic policy. This has shown itself in Canada, as well as in many other places at home and abroad. And although I will not venture to affirm that it has got so far as you desire, the open retraction of the original mistake, I am yet fully impressed with the notion that it will contribute so far as it may indirectly to counteract all the tendencies that have made that measure so mischievously injurious.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 924.] LEGATION OF THE UNITED STATES,
London, April 12, 1865.

SIR: Referring to my despatch No. 896, of the 16th of March, I have the honor to transmit a copy of a note from Lord Russell, of the 6th instant, in reply to mine of the 7th of last month, based upon the instructions contained in your despatch No. 1271, of the 16th of February.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 6, 1865.

SIR: With reference to my letter of the 10th ultimo, I have now the honor to inform you that her Majesty's government are advised that although the proceedings of the steamer Confederate States, formerly Laurel, may have rendered her liable to capture on the high seas by the cruisers of the United States, she has not, so far as is known, committed any offence punishable by British law, and that there was nothing contrary to the law of nations in placing a mail-bag on board of her for conveyance to Liverpool.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 926.] LEGATION OF THE UNITED STATES,
London, April 13, 1865.

SIR: Under the directions contained in your No. 1278, of the 25th of February, I addressed a note to Lord Russell on the 15th of March, on the subject of the visit to Nassau of the United States steamer Honduras, a copy of which

is herewith transmitted. His lordship has replied to the separate points in two notes of the same date, the 5th of April, copies of which are also sent.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, March 15, 1865.
2. Lord Russell to Mr. Adams, April 5, 1865.
3. Extract from London Gazette, January 31, 1862.
4. Lord Russell to Mr. Adams, April 5, 1865.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 15, 1865.

MY LORD: It is with much regret that I find it my duty to lay before your lordship copies of papers herewith transmitted.

It appears that some time since one of the United States steamships of war, the San Jacinto, was wrecked upon a desolate cay of the Bahamas. Her officers and crew found shelter at Nassau until relief could be obtained from the United States. The wreckers who had recovered certain portions of the movables of the vessel presented their claim for salvage, the payment of which they required in coin. Nassau being considered as the most convenient point for settling this claim, the steamer Honduras proceeded thither for the purpose of procuring the coin with which to adjust the transaction. The consul of the United States, in compliance with the terms of her Majesty's proclamation, solicited permission for her to enter. That permission was at once refused by the governor, on the ground that it was not a case within the exceptions provided by the proclamation. It is true that the Honduras was not in distress, but she was bound on an errand made necessary by a case of distress, and one which was to remunerate British subjects for services rendered in that distress. Not only was this consideration utterly neglected by the governor, but in a spirit certainly not often manifested during this war. He broke out into remonstrances with the officers of the United States for having themselves landed in a boat upon the shore.

I shall not seek to dwell on the painful impression this proceeding has made in the naval department of the United States, which at the same time had but too much reason to be cognizant of the abuse made of that port by persons practically engaged in hostilities in violation of her Majesty's proclamation.

There was no single day during the month in which this incident happened that thirty-five vessels engaged in breaking the blockade were not to be seen flaunting their contraband flags in that port. Neither has its hospitality been restricted to that hybrid class of British ships running its illegal ventures on joint account with the insurgent authorities in the United States. The Cameleon, not inaptly named, but before known as the Tallahassee, and still earlier as a British steamer fitted out from London to play the part of a privateer, out of Wilmington, was lying at that very time in Nassau, relieved indeed of her guns, but still retaining all the attributes of her hostile occupation. But a few days earlier the steamer Laurel, whose history is already too well known to your lordship, by my note of the 7th instant, had reappeared after its assumption of the name of the Confederate States, and had there been not only received, but commissioned with a post mail to a port of her Majesty's kingdom.

Neither is it overlooked that Nassau was the point at which the Oreto found shelter when undergoing a sea change which converted her into a vessel to prey upon the unresisting commerce of the people of the United States. I am instructed to explain to your lordship that my government does not intend to be understood as adopting this painful view of the proceedings of the governor of New Providence. Neither is it disposed to believe that her Majesty's ministers would have authorized this illiberal proceeding in the case of the Honduras. On the contrary, it is thought that this could hardly have been foreseen when the regulations under which the governor is acting were made. Nevertheless, mit ust equally be affirmed that these reservations cannot be known or felt by the nation whose sensibilities are naturally wounded in these transactions.

With a government so enlightened as that of Great Britain I cannot but regard it as superfluous to deal in further expostulations with your lordship upon the evil fruits of petty irritations on border lines and in colonial ports.

The unhappy state of things on the Canadian border has furnished too unpleasant an experience of that sort for the instruction of both nations. Just at this time vexatious incidents in her Majesty's West Indian ports are of more than usual importance. But a single considerable seaport town in the whole region of insurrection remains in the possession of the

insurgents. That one, as well as every inferior harbor is hermetically sealed by blockade. Every movement hereafter attempted on the ocean by the insurgents can be carried on only by illegal acts of equipment in the ports of nations with which the United States are bound in treaties of peace and amity. There can be no such thing as a belligerent vessel of the insurgents on the high seas which is notthe offspring of fraud or of a violation of the neutrality of foreign powers.

I am, therefore, instructed to suggest to your lordship the consideration, whether the further recognition of this right does not simply operate to favor the machinations of these unscrupulous enemies of both countries, whose business it is, by fitting out ships and enlisting men from the Mersey and the Clyde to carry on war against the United States, to make, if possible, an incureable breach between the two countries.

I have, &c.,

CHARLES FRANCIS ADAMS.

The Right Honorable EARL RUSSELL, *&c., &c., &c.*

[Enclosures.]

1. Mr. Kirkpatrick to Governor Rawson, January 31, 1865.
2. C. R. Nesbit to Mr. Kirkpatrick, January 31, 1865.
3. Same to same, February 2, 1865.
4. Mr. Kirkpatrick to C. R. Nesbit, February 3, 1865.
5. C. R. Nesbit to Mr. Kirkpatrick, February 4, 1865.
6. Mr. Kirkpatrick to C. R. Nesbit, February 7, 1865.

[For above enclosures see instructions No. 1278 to Mr. Adams.]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 5, 1865.

SIR: In answer to your letter of the 15th of March, I have the honor to state to you, that it has been the endeavor of her Majesty's government to carry into effect with fairness and impartiality the duties of neutrality between the government of the United States and those parties who had risen in arms against their authority. Nassau is a position from which, on the one hand, confederate privateers might have greatly annoyed the commerce of the United States, and which, on the other hand, might have been a convenient base of operations for the United States navy.

It was thought right, therefore, by her Majesty's government to forbid the resort of men-of-war of either of the two parties to the port of Nassau.

I send you a printed copy of the orders issued to this effect on the 31st of January, 1862.

Governor Rawson, who has been exceedingly strict in compelling the confederate vessels to comply with the rules which he was ordered to enforce, has no doubt conceived it to be his duty to require equal compliance with those rules from the United States vessels-of-war. Her Majesty's government, if the case had been referred to them, might, in all probability, have dispensed with the observance of these rules in the peculiar case of the Honduras; but her Majesty's government cannot be surprised that an inferior officer should not have conceived himself at liberty, upon his own responsibility, to dispense with rules laid down by her Majesty for his guidance. I have to observe, moreover, that the landing of the captain of the Honduras and his officers was presisted in not only in contraversion of the express dissent of the governor and in violation of the rules which the governor had been ordered to cause to be observed, but in contravention also of the quarantine laws of the colony. This is a proceeding which Mr. Seward, I conceive, will surely not consider to have been justifiable.

You are perfectly aware that there is nothing in the law of nations which forbids the attempt of neutral ship-owners or commanders to evade the blockade, taking, thereby, upon themselves the risk of capture and condemnation.

British merchants have made use of this chance of profit, and have submitted to the capture and condemnation with which such chance is liable to be accompanied.

American merchants, when neutrals, have availed themselves of similar chances of profit, attended with similar risk. With respect to the latter part of your letter of the 15th ultimo, suggesting that certain consequences ought to arise from the present altered position of the sea-ports of the Confederate States, I can only say that her Majesty's government will feel bound to continue, as they have heretofore done, to prevent, to the utmost of their power, the violation of her Majesty's rights and of her Majesty's declared neutrality.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[Extract from the London Gazette of the 31st January, 1862.]

Copy of a letter from Earl Russell to her lords commissioners of the admiralty.

FOREIGN OFFICE, *January* 31, 1862.

MY LORDS: Her Majesty being fully determined to observe the duties of neutrality during the existing hostilities between the United States and the States calling themselves the "Confederate States of America," and being, moreover, resolved to prevent, as far as possible, the use of her Majesty's harbors, ports, and coasts, and the waters within her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your lordships, for your guidance, the following rules, which are to be treated and enforced as her Majesty's orders and directions.

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom and the Channel islands on and after Thursday, the 6th day of February next, and in her Majesty's territories and possessions beyond the seas six days after the day when the governor or other chief authority of each of such territories or possessions, respectively, shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

I. During the continuance of the present hostilities between the government of the United States of North America and the States calling themselves "the Confederate States of America," or until her Majesty shall otherwise order, no ship-of-war or privateer belonging to either of the belligerents shall be permitted to enter or remain in the port of Nassau, or in any other port, roadstead, or waters of the Bahama islands, except by special leave of the lieutenant governor of the Bahama islands, or in case of stress of weather. If any such vessel should enter any such port, roadstead, or waters, by special leave, or under stress of weather, the authorities of the place shall require her to put to sea as soon as possible, without permitting her to take in any supplies, beyond what may be necessary for her immediate use.

If, at the time when this order is first notified in the Bahama islands, there shall be any such vessel already within any port, roadstead, or waters of those islands, the lieutenant governor shall give notice to such vessel to depart, and shall require her to put to sea, within such time as he shall, under the circumstances, consider proper and reasonable. If there shall then be ships-of-war or privateers belonging to both the said belligerents within the territorial jurisdiction of her Majesty, in or near the same port, roadstead, or waters, the lieutenant governor shall fix the order of time in which such vessels shall depart. No such vessel of either belligerent shall be permitted to put to sea until after the expiration of at least twenty-four hours from the time when the last preceding vessel of the other belligerent, (whether the same be a ship-of-war, or privateer, or merchant ship,) which shall have left the same port, roadstead, or waters, or waters adjacent thereto, shall have passed beyond the territorial jurisdiction of her Majesty.

II. During the continuance of the present hostilities between the government of the United States of North America and the States calling themselves "the Confederate States of America" all ships-of-war and privateers of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel islands, or in any of her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose or for the purpose of obtaining any facilities of warlike equipment; and no ship-of-war or privateer of either belligerent shall hereafter be permitted to sail out or leave any port, roadstead, or waters subject to British jurisdicton, from which any vessel of the other belligerent (whether the same shall be a ship-of-war, a privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of her Majesty.

III. If any ship-of-war or privateer of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom and in the Channel islands, and in the several colonies and foreign possessions and dependencies of her Majesty, respecttively, enter any port, roadstead, or waters belonging to her Majesty, either in the United Kingdom or in the Channel islands, or in any of her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew, or repairs; in either of which cases, the authorities of the port, or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies, beyond what may be necessary for immediate use; and no such vessel, which may have been allowed to remain within British waters for the purpose of repair, shall continue in any such port, roadstead, or waters, for a longer period than twenty-four hours after her necessary repairs shall have been completed: provided, nevertheless, that in all cases in which there shall be any vessels (whether ships-of-war, privateers, or merchant ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of her Majesty, there shall be an interval of not

less than twenty-four hours between the departure therefrom of any such vessel (whether a ship-of-war, a privateer, or a merchant ship) of the one belligerent, and the subsequent departure therefrom of any ship-of-war or privateer of the other belligerent; and the times hereby limited for the departure of such ships-of-war and privateers, respectively, shall always, in case of necessity, be extended, so far as may be requisite for giving effect to this proviso, but not further or otherwise.

IV. No ship-of-war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall be again supplied to any such ship-of-war or privateer, in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

I have, &c.,

RUSSELL.

NOTE.—A similar letter has been addressed to the secretaries of state for the Home' Colonial, War, and India departments, and to the lords commissioners of her Majesty's treasury.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 5, 1865.

SIR: In your note of the 15th ultimo you have referred to the arrival of the steamer Chameleon at Nassau. You are no doubt also aware that the steamer Rattlesnake had likewise reached that port, and you have been, probably, informed that the United States consul at Nassau specially called the attention of the governor of the Bahamas to these vessels. It will, therefore, interest you to learn, if you do not know it already, that the governor of the Bahamas caused the United States consul to be informed that there was nothing in his letter to create a suspicion against these vessels, greater than that which attached to every vessel of the same class with which the harbor of Nassau was filled; or to call for any action on the part of the colonial government beyond that of vigilance, which was already exercised with regard to all vessels engaged in trade with the southern States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 927.] LEGATION OF THE UNITED STATES,
London, April 13, 1865.

SIR: I have the honor to transmit a copy of the note addressed by me to Lord Russell on the 7th instant, reference to which was made by me in my despatch No. 917, of last week, as not then ready to be sent.

Lord Russell has acknowledged the reception of this note, but has delayed a reply, for the reason assigned in my No. 922, which goes to you hereafter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 7, 1865.

MY LORD: I have the honor to transmit to you a copy of a letter addressed to the Secretary of State at Washington, by the consul of the United States

at Rio Janeiro, Mr. Monroe, making a report of the depredations committed upon the commerce of the United States by the vessel known in the port of London as the Sea King, but since transformed into the Shenandoah by a process already fully explained in a note which I had the honor to address your lordship on the 18th of November last.

I regret to be obligded to add, that this same vessel has been, since the date of Mr. Monroe's letter, heard of at Melbourne, from which place further details of similar outrages have been received. The particulars have been communicated to my government, but there has not been sufficient time for me to obtain its instructions in regard to them. I cannot doubt, however, that they will be the same in substance as those embraced in the last despatch.

Were there any reason to believe that the operations carried on in the ports of her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented, I should not be under the painful necessity of announcing to your lordship the fact that my government cannot avoid entailing upon the government of Great Britain the responsibility for this damage.

It is impossible to be insensible to the injury that may yet be impending from the part which the British steamer City of Richmond has had, in being suffered to transport with impunity, from the port of London, men and supplies, to place them on board the French-built steam ram, Olinde alias Stoerkodder, alias Stonewall, which has, through a continuously fraudulent process, succeeded in deluding several governments of Europe, and in escaping from this hemisphere on its errand of mischief in the other.

I am by no means insensible to the efforts which have already been made and are yet making by her Majesty's government to put a stop to such outrages in this kingdom and its dependencies. Neither can I permit myself to doubt the favorable disposition of her ministers to maintain amicable relations with the government which I represent. Whilst perfectly ready to bear testimony to the promptness with which all the numerous remonstrances and representations which it has been my painful duty heretofore to submit have been met and attended to by your lordship, it is at the same time impossible for me to dispute the fact that the hostile policy which it is the object of all this labor to prevent has not only not been checked, but is even now going into execution with more and more complete success. That policy, I trust I need not point out to your lordship, is substantially the destruction of the whole mercantile navigation belonging to the people of the United States. The nature of the process by which this is coming about may readily be appreciated by a brief examination of the returns of the registered tonnage of her Majesty's kingdom for the last six years. I have the honor to append to this note a tabular statement of the number of merchant ships built, and of the tonnage owned in the United States, which have been transferred to British owners in the successive years, beginning with 1858 and ending in 1864, so far as the materials at hand from the official reports of the two governments can supply the information.

I trust it will be needless for me to do more than to point out to your lordship the inference deducible from this statement, to wit, that the United States commerce is rapidly vanishing from the face of the ocean, and that that of Great Britain is multiplying in nearly the same ratio. Furthermore, it is my painful duty to suggest that this process is going on by reason of the action of British subjects in co-operation with emissaries of the insurgents, who have supplied from the ports of her Majesty's kingdom all the materials, such as vessels, armament, supplies and men, indispensable to the effective prosecution of this result on the ocean.

So far as I am aware, not a single vessel has been engaged in these depredations excepting such as have been so furnished, unless, indeed, I might except

one or two passenger steamers belonging to persons in New York, forcibly taken possession of whilst at Charleston in the beginning of the war, feebly armed and very quickly rendered useless for any aggressive purpose. It may, then, on the face of this evidence, be fairly assumed as true that Great Britain, as a national power, is, in point of fact, fast acquiring the entire maritime commerce of the United States by reason of the acts of a portion of her Majesty's subjects engaged in carrying on war against them on the ocean during a time of peace between the two countries. I deeply regret to be constrained to add that every well-meant effort of her Majesty's government to put a stop to this extraordinary state of things, down to this time, has proved almost entirely fruitless.

I would most respectfully invite your lordship to produce in the history of the world a parallel case to this of endurance by one nation of injury done to it by another, without bringing on the gravest of complications. That in this case no such event has followed, has been owing, in the main, to a full conviction that her Majesty's government has never been animated by any aggressive disposition towards the United States, but, on the contrary, that it has steadily endeavored to discountenance, and in a measure to check, the injurious and malevolent operations of many of her subjects. But whilst anxious to do full justice to the amicable intentions of her Majesty's ministers, and on that account to forbear from recourse to any but the most friendly and earnest appeals to reason and to their sense of justice for a rectification of these wrongs, it is impossible to resist the conviction that heretofore their measures, however well intended, have never proved effective to remedy the evils complained of. Prompt to acquit them of any design, I am reluctantly compelled to acknowledge the belief that practically this evil had its origin in the first step taken, which never can be regarded by my government in any other light than as precipitate, of acknowledging persons as a belligerent power on the ocean before they had a single vessel of their own to show floating upon it. The result of that proceeding has been that the power in question, so far as it can be entitled to the name of a belligerent on the ocean at all, was actually created in consequence of the recognition, and not before; and all that it has subsequently attained of such a position has been through the labors of the subjects of that very country which gave it that title in advance. Neither is the whole case stated even now. The results equally show that the ability to continue these operations with success during the whole term of four years that the war has continued, has been exclusively owing to the opportunity to make use of this granted right of a belligerent in the courts, and the ports and harbors of the very power that furnished the elements of its existence in the outset. In other words, the kingdom of Great Britain cannot but be regarded by the government I have the honor to represent, as not only having given birth to this naval belligerent, but also as having nursed and maintained it to the present hour.

In view of all these circumstances I am instructed, whilst insisting on the protest heretofore solemnly entered against that proceeding, further respectfully to represent to your lordship that, in the opinion of my government, the grounds on which her Majesty's government have rested their defence against the responsibility incurred in the manner heretofore stated, for the evils that have followed, however strong they might have heretofore been considered, have now failed by a practical reduction of all the ports heretofore temporarily held by the insurgents. Hence the President looks with confidence to her Majesty's government for an early and an effectual removal of all existing causes of complaint on this score, whereby the foreign commerce of the United States may be again placed in a situation to enjoy the right to which it is entitled on the ocean, in peace and safety from annoyance from the injurious acts of any of her Majesty's subjects, perpetrated under the semblance of belligerent rights. I am further instructed to invite the attention of your lordship to another subject in this immediate connexion.

From the beginning of this war the armed vessels of her Majesty have continued to enjoy full and free pratique in the waters of the United States. They have been welcomed in just the same friendly manner as has been heretofore customary when there was no exclusion of the same class of ships of the United States from the waters of Great Britain. It is the opinion of the President that the time has come when it may be asked, not only with strict right but also with entire comity, when the reciprocity of these hospitalities is to be restored. It is the expectation that the naval force of the United States in European waters will be augmented on or about the beginning of next month, when this question may become one of some interest. I am, therefore, directed to solicit information from your lordship as to the reception which these vessels may expect in the ports of this kingdom.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

[Enclosures.]

1. Mr. Monroe to Mr. Seward, November 29, 1864.*
2. Statements in tabular form of American vessels sold to British subjects from 1858 to 1864, inclusive.

United States official report.

Before the war.			During the war.		
Year.	No. vessels.	Tonnage.	Year.	No. vessels.	Tonnage.
1858	33	12,684	1861	126	71,673
1859	49	21,308	1862	135	64,578
1860	41	13,683	1863	348	252,379
			1864	106	92,052
Three years	123	47,675	Four years	715	480,682

British official report.

Before the war.			During the war.		
Year.	No. vessels.	Tonnage.	Year.	No. vessels.	Tonnage.
1860	Not given	11,716	1861	Not given	66,757
			1862	Do.	59,103
			1863	608	328,665
One year		11,716	Three years	608	454,525

* See despatch No. 1250 to Mr. Adams, current series.

Mr. Adams to Mr. Seward.

No. 928.] LEGATION OF THE UNITED STATES,
London, April 14, 1865.

SIR: Inadvertently I omitted to forward by the bag which closed yesterday the enclosed address to the President, which I had just received from Dr. Lorimer at Glasgow.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

ADDRESS.

SIR: As members of the Glasgow New Anti-slavery Association, we beg leave, at this crisis of freedom in the history of your country, most cordially to congratulate you on its prospects. Many of us have long been associated in one form or another, indeed before the abolition of slavery in the British colonies in 1834, as friends of negro emancipation. After that happy event, we turned our sympathy and efforts to the American slave. We cannot boast of great numbers or results. Many friends of freedom doubted the propriety of interfering with the institutions of foreign countries, or questioned the probability of success, owing to the natural sensitiveness of national jealousy. But we have always had in our number tried friends of freedom of all evangelical denominations, and we have had the satisfaction from year to year of sending help to fugitives from your slave States, encouraging the anti-slavery press in your country, and spreading information regarding American slavery in our own. Our humble labors have always been thankfully acknowledged by the abolitionists of your land with whom we were in correspondence. In such circumstances you may well understand with what warm interest we have watched the progress of your struggle during the last four years. Though we felt it befitting the position of neutrality maintained by our government that we should not interfere, and considered, moreover, that any service we could render to the slave was happily superseded by the change of American sentiment and the progress of liberty, yet we were no indifferent spectators of the course of events, and cannot any longer be silent. Without pronouncing any opinion on the war which is not called for, we hail the results in as far as the slave is concerned. We rejoice with great joy, mingled with gratitude to God, for what has been achieved under your memorable presidency. We congratulate you as an instrument in the hand of Providence of accomplishing one of the greatest and most beneficent changes in modern times—the emancipation of four millions of human beings from the varied oppression and degradation of ever extending slavery. The work may not yet be completed, but the progress has been so cheering, and the interposition of a Higher Power so conspicuous throughout, that we cannot doubt an early and triumphant success.

The event, in itself and in its circumstances so unexpected, and in the first instance undesired, affords no ground for men or parties of men glorying one over another. It belongs to that high order of events, where thoughtful and devout minds are solemnized in the presence of the Great Ruler of the universe and are constrained to mark afresh His righteous, wise, and beneficent government in bringing good out of evil, order out of confusion, peace and prosperity out of war and desolation—the deliverance of the vast territory of your country from the curse of negro slavery, is a signal compensation for all the horrors even of civil war. There are few struggles, ancient or modern, which can point to a more noble, political, moral and social result. We cannot doubt that the blessing will not be confined to your shores. The example of America, after such sacrifices, cannot fail to tell powerfully in behalf of freedom on both sides of the Atlantic and through unborn generations. Of this we are well assured that nothing will tend more to obliterate the memory of any little irritation between your country and ours, inseparable from commercial collision, and to unite them in new bonds of mutual respect and Christian brotherhood, as lasting as they are warm and sincere.

Heartily do we—and, we are persuaded, our countrymen generally—congratulate you and the government of which you are the head on the amended constitution of your country, which you have been honored to carry through, and earnestly do we pray that you may be spared soon to heal the wounds of your land, long to witness the fruits of a righteous and beneficent policy in its renovated prosperity, and to promote under the smile of Heaven the cause of universal freedom and Christian civilization.

In the name of the association, which is this day dissolved, we, members of committee, beg to subscribe ourselves, with all respect, your obedient servants,

A. K. McCALLUM, *M. H., Chairman.*
DAVID SMITH, *President.*
JOHN G. LORIMER, *D. D.*
JOHN ROBSON, *M. A. D. D.*
WILLIAM P. PATON.
ROBERT GOW, JR.
GEORGE BLYTH,
Late Minister of Cana Street U. P. Church.
NATHANIEL STEVENSON.
WILLIAM TAMER.

His Excellency ABRAHAM LINCOLN,
President of the United States of America.

Mr. F. W. Seward to Mr. Adams.

No. 1351.] DEPARTMENT OF STATE,
Washington, April 14, 1865.

SIR: Your despatch of the 29th ultimo, No. 909, in regard to the movements of the Stonewall, Niagara, and Sacramento, has been received and communicated to the Secretary of the Navy.

I am, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

DEPARTMENT OF STATE,
Washington, April 15, 1865.

SIR: The sad duty devolves upon me to announce the assassination of the President at Ford's theatre, last night, by a pistol-shot from a person who entered his box for the purpose. The assassin escaped, but it is supposed has since been arrested. The President died at seven and a half o'clock this morning. Vice President Johnson has assumed the functions of President, having been sworn in by the Chief Justice.

About the same, time an attempt was made, by, it is believed, a different person, to assassinate Mr. Seward, but the murderer only succeeded in inflicting painful and severe wounds, principally upon his face. Mr. F. W. Seward was beaten over the head with a heavy weapon in the hands of the person who attacked his father, and is grievously hurt. His brother was also wounded by the dagger of the assassin, as well as Mr. Hansell, a messenger of the Department of State, who was with the Secretary, and the male nurse in attendance.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., London.*

Mr. Hunter to Mr. Adams.

[Circular.]

No. 1352.] DEPARTMENT OF STATE,
Washington, April 17, 1865.

SIR: The melancholy duty devolves upon me, officially, to apprise you of the assassination of the President at Ford's theatre, in this city, in the evening of the 14th instant. He died the next morning from the effects of the wound.

About the same time, an attempt was made to assassinate the Secretary of

State in his own house, where he was in bed suffering from the effects of the late accident. The attempt failed, but Mr. Seward was severely cut, on the face especially—it is supposed with a bowie-knife.

Mr. F. W. Seward was felled by a blow or blows on the head from the assassin, and for some time afterward was apparently unconscious. Both the Secretary and Assistant Secretary are better, especially the former.

Andrew Johnson has formally entered upon the duties of President. I have been authorized temporarily to act as Secretary of State.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., *London.*

[Same, *mutatis mutandis*, to all our representatives abroad.]

Mr. Hunter to Mr. Adams.

DEPARTMENT OF STATE,
Washington, April 17, 1865.

It is hereby ordered that, in honor to the memory of our late illustrious Chief Magistrate, all officers and others subject to the orders of the Secretary of State wear crape upon the left arm for the period of six months.

W. HUNTER, *Acting Secretary.*

(Same, *mutatis mutandis*, to all our ministers and consuls abroad.)

Mr. Hunter to Mr. Adams.

No. 1353.] DEPARTMENT OF STATE,
Washington, April 18, 1865.

SIR: Since the last summary of military events, information has been received of the capture of Selma, Alabama, with artillery and a large amount of stores. Mobile has also fallen, after a brief resistance. From 5,000 to 6,000 prisoners, some gunboats, and a large amount of ordnance stores, were captured. It is reported that the rebel General Johnston has proposed to surrender upon the same terms accorded by Lieutenant General Grant to General Lee, and that Imboden and Mosby have made similar proposals. These proposals have not yet been acted upon.

I am happy to state that Mr. Seward, sr., is decidedly improving, and Mr. F. W. Seward's case has shown more favorable symptoms. It is expected that the usual forms of national mourning for the President will be observed at the legations and consulates abroad, of which fact you will notify all consuls in the country to which you are accredited.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Adams to Mr. Seward.

[Extract.]

No. 930.] LEGATION OF THE UNITED STATES,
London, April 20, 1865.

SIR: * * * * * * * *

The continuance of the Easter holidays has had the effect of dispersing most of the official class in the country, so that little or nothing is going on in Lon-

don. Even the reception of the decisive events in Virginia has not produced nearly the effect which it would have done had Parliament been in session. The disappointment is undisguised. One of the daily journals correctly affirms of the higher circles that few expected, and still fewer desired, the result. Nevertheless there is a growing disposition to acquiesce in it as a fact. The London Times has latterly set the key-note in that manner, and it is rapidly bringing the subordinate presses all over the kingdom, as well as its own readers, into general accord.

It remains to be seen what course the ministry will take under the new order of things. I perceive that a cabinet council is summoned for next Saturday. Then, I presume, Lord Russell will execute the intention he expressed to me, to take their opinion on the points presented in my note to him of the 7th instant, a copy of which was forwarded to you last week. It would seem as if no doubt could be entertained of the propriety of withdrawing all further countenance to those relics of the rebellion supported by British props on the high seas. But it is impossible to be confident as to the action that may be taken. There is in the cabinet a certain amount of inert sympathy with the fallen cause, which, taken in conjunction with an unwillingness to appear to confess a mistake, may prevent any movement whatever.

The sentiments entertained in consequence of the news in financial circles is of a different kind. It is partly political, in connexion with the apprehension of what may take place in Canada, but much more commercial, as the close of the war is thought to endanger the solidity of the new basis of trade, formed upon the temporary exclusion of the great American products from the markets of the world. The rapid fall which has already taken place in the value of cotton in this market, attended, as it has been, by a sympathetic depression in that of all other commodities, has already caused very heavy losses to individuals, and it is feared will bring on many more. The period when the exportation of the staples of the southern States, so far as they remain unconsumed, will be permitted, is awaited with anxiety. There is much fear that the effect of this, taken in connexion with a greatly increased demand for the government securities and a reduced import into the United States, may be to occasion a heavy drain of the precious metals, and a serious derangement of the credit system of Europe. I am rather inclined to the belief that the people who feel thus are not entirely able to give any clear reason to themselves for it. The general laws of trade regulate and graduate all such changes with a certainty and a facility which may be depended upon to prevent many of the consequences that are expected to follow from them. Moreover, this very apprehension has a tendency to inspire a caution in dealing, which in itself furnishes the best safeguard against the anticipated danger.

The only portion of this view of European affairs that directly interests the government of the United States is that connected with the management of its own finances. It is not to be disguised that much distrust is entertained of our faculty to cope successfully with the great burdens that have been imposed upon us in the course of the great conflict. Neither is the vague but sanguine and obviously exaggerated confidence expressed in many quarters in America calculated to increase the assurance of a favorable result. Action, and that, too, of a vigorous nature, is indispensable. The time can scarcely be far removed when a necessity will exist of presenting something like a broad and comprehensive policy, which, cutting off all further recourse to the hazardous expedient of expanding the indebtedness, will place before the world a clear system of restoration of the public credit. A revival of confidence has already taken place, if we may judge by the rise of its securities from about 39, its lowest point, to 66. But this is due in a great measure to the expectation of a termination of the war. Neither will it endure unless that event should be promptly used as an opportu

nity to set on foot a distinct and indisputable reconstruction of some solid basis of finance.

Such are the views held here even by persons the most favorably disposed towards the United States. I have felt it expedient to submit them to your consideration, though not, perhaps, in the immediate line of my duty.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 931.] LEGATION OF THE UNITED STATES,
London, April 20, 1865.

SIR: In connexion with your despatch No. 1325, of the 27th of March, I now have the honor to transmit a copy of a note to Lord Russell of the 12th instant, and likewise of his reply on the 17th, respecting the copy of his lordship's note to Messrs. Mason, Slidell and Mann, which was sent forward to the so-called authorities at Richmond and returned by them.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 12, 1865.

MY LORD: I have the honor to transmit copies of certain letters which have passed between the military authorities on the lines before Richmond in relation to the document which, in my conversation held with your lordship on the 14th of February, you expressed a wish to have forwarded to that city through the channels of communication established between the contending parties. I likewise have the honor to return the original document itself.

I pray your lordship to accept the assurances of the hightest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Hon. EARL RUSSELL, *&c., &c., &c.*

[Enclosures.]

1. Mr. Stanton to Mr. Seward, March 27, 1865.
2. General Grant to Mr. Stanton, March 25, 1865.
3. General Lee to General Grant, March 23, 1865.
4. Lord Russell to Messrs. Mason, Slidell and Mann, February 13, 1865.

[The above enclosures, marked 1, 2 and 3, are published in connexion with Mr. Seward's despatch No. 1325, and No. 4 with Mr. Adams's No. 879, current series.]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 17, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, returning the copy of my letter to Mr. Slidell, Mr. Mason, and Mr. Mann, of the 13th February, and enclosing copies of a correspondence which has passed between the military authorities in the lines before Richmond in relation thereto, and I have to request you to convey to your government the thanks of her Majesty's government for their proceedings in this matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 932.] LEGATION OF THE UNITED STATES,
London, April 20, 1865.

SIR: I have the honor to transmit a copy of a letter received yesterday from Mr. Dabney, the consul at Teneriffe, announcing the arrival at that place, on the 31st ultimo, of the Stonewall, in three days from Lisbon, and her departure on the 1st instant.

It does not appear what has become of the Niagara and of the Sacramento.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Dabney to Mr. Adams.

UNITED STATES CONSULATE,
Teneriffe, April 2, 1862.

SIR: Being unable to communicate with Mr. Perry, at Madrid, I take the liberty of bringing to your knowledge that the confederate ram Stonewall, Commander Page, arrived at this port on the 31st of March, at 6 p. m., in three days from Lisbon.

She was allowed to remain here only twenty-four hours, during which time she took in 130 tons of coal, and sailed again on the 1st, at 6 p. m. Where she has gone it is impossible to say; but the general opinion, gathered from her officers, is, that Bermuda will be her next port, whence she intends a sudden descent somewhere on our coast.

At the risk of repeating what must be well known, I would say that she is a most formidable vessel, plated with 6-inch iron, and with an enormous ram extending from her bow twenty-one feet. She has a casemated forecastle, containing a 300-pounder Armstrong gun, and abaft her mainmast she has a fixed turret containing two 70-pounder Armstrong guns, and which is shot-proof.

She is 500 tons, 300 horse-power, and has a crew, all told, of eighty-five men. She is brig rigged, with one funnel, and has no bowsprit. She must depend much upon her sails, as her spars are very heavy, and she can only store one hundred and fifty tons of coals, and uses thirty tons a day when steaming alone.

She steams rapidly, but rolls very much, which must interfere very much with the management of her guns in a seaway.

I remain, sir, respectfully your obedient servant,

WILLIAM H. DABNEY.

Hon. CHARLES FRANCIS ADAMS,
United States Minister at London.

Mr. Adams to Mr. Seward.

No. 933.] LEGATION OF THE UNITED STATES,
London, April 21, 1865.

SIR: It is not without much concern that I have received the intelligence of the unfortunate accident that has befallen you. At this moment, above all others, it seems particularly distressing to the public, as your aid was likely to be much needed in the impending effort to re-cement the divided portions of our Union. I trust that the interval will only be short, before you will be able to resume the duty to which the country has called you, and to continue the services of which it still stands in great need.

I have this moment had a visit from Lord Lyons, who came on purpose to know if I had any particular information about this misfortune, and who desired me to express to you how very sorry he was to hear of it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1354.] DEPARTMENT OF STATE,
Washington, April 21, 1865.

SIR: Your despatch of the 7th instant, No. 917, relative to the manner in which you have deemed it expedient to address her Majesty's government in protesting against their course in continuing to recognize the insurgents as belligerents, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c., London.*

Mr. Hunter to Mr. Adams.

No. 1357.] DEPARTMENT OF STATE,
Washington, April 21, 1865.

SIR: Your despatch of the 7th instant, No. 919, in regard to the death of the Hon. Richard Cobden, has been received.

You have in your despatch most judiciously described the position occupied by Mr. Cobden, in relation to the United States, during the civil commotion which has been testing the friendship and the wisdom of European statesmen, and you have truly indicated the estimation in which he is held by the government and the people of the United States. Though now overwhelmed with grief at the cruel assassination of President Lincoln, the nation will mourn the illustrious statesman whose decease you have announced. Under these circumstances I need not say how entirely your attendance, with Mr. Moran, at the obsequies is approved.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, *&c., &c., &c, London.*

Mr. Hunter to Mr Adams.

No. 1359.] DEPARTMENT OF STATE,
Washington, April 21, 1865.

SIR: Your despatch of 30th ultimo, No. 910, relative to the state of opinion in England, and your suggestions as to the expediency of pressing upon the British government the necessity of withdrawing from the rebels their recognition of them as belligerents, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c., London.*

Mr. Hunter to Mr. Adams.

DEPARTMENT OF STATE,
Washington, April 24, 1865.

MY DEAR SIR: You will be naturally solicitous to know what has been the result thus far of the efforts to secure the principals and accomplices in the hideous crimes committed and attempted against prominent members of the government.

Lewis Paine, supposed to be one of the St. Albans raiders, and a brother of Hezekiah Paine, who is now awaiting trial at St. Albans on a charge of being a party to the raid, has been arrested at the house of a Mrs. Surrat in this city, and is identified as the man who attempted the lives of the Secretary and Assistant Secretary of State.

Atzerot, the person who was to have assaulted the Vice President, has been secured.

Booth, who assassinated the President, and Herold, an accomplice, are both at large. Large rewards have been offered for the capture of any of the parties, and it is hoped that the vigilant pursuit will be successful.

Two persons, carpenters in Ford's theatre, named Gifford and Spangler, and Maddox, the "property man," suspected characters, are also in custody.

John Surrat has been traced to Canada, and the police and other authorities are in full pursuit. This is the son of the Mrs. Surrat at whose house Lewis Paine was taken.

Booth is believed to be lurking in lower Maryland, and stringent measures have been adopted by the War Department to prevent his concealment or escape. While I write, a rumor comes that he is taken, but nothing authentic to that effect has yet been received.

I remain, my dear sir, very truly yours,

W. HUNTER,
Acting Secretary.

P. S.—The Secretary's condition is much improved. He has been sitting up this morning fully dressed. Mr. F. W. Seward is also more comfortable than he was yesterday.

[Same, *mutatis mutandis*, to all our principal ministers in Europe.]

Mr. Hunter to Mr. Adams.

No. 1366] DEPARTMENT OF STATE,
Washington, April 24, 1865.

SIR: I transmit herewith a copy of a letter of the 12th instant, which the Secretary of the Navy has addressed to this department, respecting the proceedings of his excellency the governor of the Bahamas, in refusing to allow a United States vessel-of-war to enter the port of Abaco, for the purpose of removing certain property which was saved from the wreck of the United States steamer San Jacinto. I have to request you to call the attention of her Majesty's government to the want of international comity evinced by the governor of the Bahamas, on the occasion referred to.

I am, sir, your obedient servant,

W. HUNTER,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., *&c*, *&c.*, *London.*

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *Washington, April* 12, 1865.

SIR: The United States steamer San Jacinto, under the command of Captain R. W. Meade, having been recently wrecked on a reef near the island of Abaco, Bahamas, Captain Meade deemed it expedient to avail himself of the services of a police magistrate of Abaco, named I. Nibbs Brown, as an agent for supervising the affairs of the wrecked vessel, and taking charge of the property saved from it.

A despatch received by the department from Acting Rear-Admiral Stribling, commanding the east gulf squadron, to which the San Jacinto was attached, encloses a copy of a letter from Mr. Brown, in which he states that his excellency the governor of the Bahamas has

directed him to relinquish the agency for the wrecked vessel. Mr. Brown further writes to Rear-Admiral Stribling in these words:

"The emergency or necessity connected with the wreck having ceased, it will not be practicable for me to permit one of your armed vessels to enter this port for the transmission of the articles in warehouse; you will therefore be pleased to arrange for their transport by a vessel of another description. Should you advise it, I may be able to procure a vessel here at a reasonable rate."

I beg leave to call your attention to this proceeding on the part of the British authority in the Bahamas, which wears the appearance of an unnecessary departure from international comity.

I have the honor to be your obedient servant,

GIDEON WELLES, *Secretary of the Navy.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Mr. Hunter to Mr. Adams.

[Circular.]

No. 1377.] DEPARTMENT OF STATE,
Washington, April 24, 1865.

SIR: The obsequies of the late President took place on the 19th instant, and were attended by all those demonstrations of universal and profound respect for the memory of the deceased which might have been expected from a people in whose affections he held so high a place, and whose life had been taken by the dastardly hand of the assassin. The public press will have given you a detailed account of the impressive ceremonies.

I append to this despatch an extract from the Washington Intelligencer, giving the latest official information from Major General Sherman, from which you will learn that the propositions from the insurgent authorities, referred by him to President Johnson, have not been approved. It also contains the latest information from Mobile.

Surrat and two others of the conspirators have been traced to Canada, and the police and other authorities are now in pursuit of them.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis,* to all our principal ministers in Europe.]

[From the National Intelligencer of April 24, 1865.]

WAR DEPARTMENT, *Washington, D. C., April* 22—10 p. m.

Major General JOHN A. DIX, *New York:*

Yesterday evening a bearer of despatches arrived from General Sherman. An agreement for a suspension of hostilities, and a memorandum of what is called a basis for peace, had been entered into on the 18th instant by General Sherman with the rebel General Johnston, the rebel General Breckinridge being present at the conference. A cabinet meeting was held at eight o'clock in the evening, at which the action of General Sherman was disapproved by the President, by the Secretary of War, by General Grant, and by every member of the cabinet. General Sherman was ordered to resume hostilities immediately, and he was directed that the instructions given by the late President in the following telegram, which was penned by Mr. Lincoln himself at the Capitol, on the night of the 3d of March, were approved by President Andrew Johnson, and were reiterated to govern the action of military commanders.

On the night of the 3d of March, while President Lincoln and his cabinet were at the Capitol, a telegram from General Grant was brought to the Secretary of War, informing him that General Lee had requested an interview or conference, to make an arrangement for terms of peace. The letter of General Lee was published in a message of Davis to the rebel

congress. General Grant's telegram was submitted to Mr. Lincoln, who, after pondering a few minutes, took up his pen and wrote with his own hand the following reply, which he submitted to the Secretary of State and the Secretary of War. It was then dated, addressed, and signed by the Secretary of War, and telegraphed to General Grant:

President's Lincoln's instructions.

"WASHINGTON, *March* 3, 1865—12. p. m.

"The President directs me to say to you that he wishes you to have no conference with General Lee, unless it be for the capitulation of General Lee's army, or on some minor and purely military matter. He instructs me to say that you are not to decide, discuss, or confer upon any political question. Such questions the President holds in his own hands, and will submit them to no military conferences or conventions. Meantime, you are to press to the utmost your military advantages.

"EDWIN M. STANTON, *Secretary of War.*

"Lieutenant General GRANT."

The orders of General Sherman to General Stoneman, to withdraw from Salisbury and join him, will probably open the way for Davis to escape to Mexico or Europe with his plunder, which is reported to be very large, including not only the plunder of the Richmond banks, but previous accumulations. A despatch received by this department says:

"It is stated here by respectable parties that the amount of specie taken south by Jefferson Davis and his partisans is very large, including not only the plunder of the Richmond banks, but previous accumulations. They hope, it is said, to make terms with General Sherman or some other southern commander, by which they will be permitted, with their effects, including the gold plunder, to go to Mexico or Europe. Johnston's negotiations look to that end."

After the cabinet meeting last night, General Grant started for North Carolina, to direct operations against Johnston's army.

EDWIN M. STANTON, *Secretary of War.*

Memorandum, or basis of agreement, made this 18th day of April, A. D. 1865, near Durham Station, in the State of North Carolina, by and between General Joseph E. Johnston, commanding confederate army, and Major General W. T. Sherman, commanding army of the United States, in the State of North Carolina, both being present.

1. The contending armies now in the field to maintain the *status quo* until notice is given by the commanding general of any one to its opponent, and reasonable time, say forty-eight hours, allowed.

2. The confederate armies now in existence to be disbanded, and conducted to their several State capitals, therein to deposit their arms and public property in the State arsenal, and each officer and man to execute and file an agreement to cease from acts of war, and to abide the action of both State and federal authorities. The number of arms and munitions of war to be reported to the Chief of Ordnance at Washington city, subject to the future action of the Congress of the United States, and in the mean time to be used solely to maintain peace and order within the borders of the States respectively.

3. The recognition by the Executive of the United States of the several State governments, on their officers and legislatures taking the oath prescribed by the Constitution of the United States; and where conflicting State governments have resulted from the war, the legitimacy of all shall be submitted to the Supreme Court of the United States.

4. The re-establishment of the federal courts in the several States, with powers as defined by the Constitution and laws of Congress.

5. The people and inhabitants of all these States to be guaranteed, so far as the Executive can, their political rights and franchise, as well as their rights of person and property, as defined by the Constitution of the United States, and of the States respectively.

6. The executive authority of the government of the United States not to disturb any of the people by reason of the late war, so long as they live in peace and quiet and abstain from acts of armed hostility, and obey the laws in existence at the place of their residence.

7. In general terms, the war to cease, a general amnesty, so far as the Executive of the United States can command, on the condition of the disbandment of the confederate armies, distribution of the arms, and the resumption of peaceable pursuits by the officers and men hitherto composing said armies.

Not being duly empowered by our respective principals to fulfil these terms, we individually and officially pledge ourselves to promptly obtain an answer thereto, and to carry out the above programme.

W. T. SHERMAN,
Major General, commanding Army U. S. in N. C.
J. E. JOHNSTON,
General, commanding C. S. A. in N. C.

DISAPPROVAL AND REASONS THEREFOR.

It is reported that this proceeding of General Sherman was disapproved for the following among other reasons:

1. It was an exercise of authority not vested in General Sherman, and on its face shows that both he and Johnston knew that General Sherman had no authority to enter into any such arrangement.

2. It was a practical acknowledgment of the rebel government.

3. It undertook to re-establish the rebel State governments that had been overthrown at the sacrifice of many thousand loyal lives and immense treasure, and placed the arms and munitions of war in the hands of the rebels at their respective capitals, which might be used as soon as the armies of the United States were disbanded, and used to conquer and subdue the loyal States.

4. By the restoration of the rebel authority in their respective States, they would be enabled to re-establish slavery.

5. It might furnish a ground of responsibility by the federal government to pay the rebel debt, and certainly subjects the loyal citizens of rebel States to the debt contracted by rebels in the State.

6. It would put in dispute the existence of loyal State governments and the new State of West Virginia, which has been recognized by every department of the United States government.

7. It practically abolished the confiscation laws, and relieved the rebels of every degree, who had slaughtered our people, from all pains and penalties for their crimes.

8. It gave terms that had been deliberately, repeatedly, and solemnly rejected by President Lincoln, and better terms than the rebels had ever asked in their most prosperous condition.

9. It formed no basis of true and lasting peace, but relieved the rebels from the pressure of our victories, and left them in condition to renew their efforts to overthrow the United States government and subdue the loyal States whenever their strength was recruited and any opportunity should offer.

WAR DEPARTMENT,
Washington, April 22, 1865.

Major General DIX, *New York:*

In a despatch dated at Mobile, five o'clock p. m., April 24, Major General Canby reports as follows.

"We find in Mobile and its defences, on the west side of the bay, over one hundred and fifty guns, and a very large amount of ammunition and supplies of all kinds and about one thousand prisoners. Inventories are now being taken, and a detailed report will be forwarded as soon as they are completed. The quantity of cotton will probably reach thirty thousand bales, and there is a large amount of provisions and forage."

Major General Hancock reports that nearly all of Mosby's command have surrendered, including nearly or quite all of the officers, except Mosby himself. Some of Mosby's own men are hunting him, for a reward of two thousand dollars, offered for him by General Hancock, who has been directed to establish his headquarters at Washington.

The counties of Prince George, Charles, and St. Mary's, Maryland, have during the whole war been noted for hostillity to the governmentand its protection to rebel blockade-runners, rebel spies, and every species of public enemy. The murderers of the President harbored there before the murder, and Booth fled in that direction. If he escapes, it will be owing to rebel accomplices in that region. The military commander of the department will speedily take measures to bring the rebel sympathizers and accomplices in murder to a sense of their criminal conduct.

EDWIN M. STANTON,
Secretary of War.

Mr. Hunter to Mr. Adams.

No. 1378] DEPARTMENT OF STATE,
Washington, April 24, 1865.

SIR: Your despatch of the 5th instant, No. 915, together with its accompanying copy of a telegram, of the 4th instant, from Mr. Harvey, United States minister at Lisbon, has been received. The information therein contained has been communicated to the Secretary of the Navy.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 934.] LEGATION OF THE UNITED STATES,
London, April 27, 1865.

SIR: I have to acknowledge the reception from the department of despatches numbered 1338 to 1349, inclusive.

In accordance with the directions contained in No. 1348, of the 10th instant, I have transmitted the customary note to Lord Russell, enclosing the office copy of the President's letter to the Queen, which acknowledged the reception of hers, announcing the resignation of Lord Lyons. As her Majesty is now at Osborne, I have not yet received the usual notice for the transmission of the original.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 936.] LEGATION OF THE UNITED STATES,
London, April 28, 1865.

SIR: I had the grief to receive the day before yesterday the telegraphic despatches from Mr. Stanton, the Secretary of War, and from Mr. Hunter, the chief clerk of your department, announcing the afflicting event of the 14th instant, which has thrown our whole people into such deep distress. They also give a narrative of the simultaneous savage onslaught upon yourself in your sick room, and upon your son, the Assistant Secretary, which had not at the latest date and which I yet permit myself to hope will not prove fatal to either of you.

I immediately took the requisite measures to communicate the intelligence to the different legations on the continent.

It is but consistency that a rebellion which began in perjury, treachery, and fraud, should close with private assassination.

The whole of the day was one of the greatest excitement. Few events of the present century have created such general consternation and indignation. Many people called personally at the legation to express their deep sympathy, and many more sent me notes of the same tenor.

The notices taken by the press are almost all of them of a most honorable character. I transmit copies of the leading newspapers. There seems, at last, to be a general testimony borne to the noble qualities of the President and the friendly disposition of the Secretary of State.

If all this eulogy be found mingled with the alloy of unworthy aspersions of the Vice-President who succeeds, he has abundant consolation in the reflection that when his predecessor began he was not a whit better treated. It is a weakness of the press and the people of this country not to value some men properly until they are lost—the case of the late Prince Consort is a remarkable instance.

The proceedings in the two houses of Parliament last evening mark out the line proposed to be adopted by the government on this occasion.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

(For extracts from the press referred to in the above despatch, see Appendix, separate volume.)

Mr. Adams to Mr. Seward.

No. 937.] LEGATION OF THE UNITED STATES,
London, April 28, 1865.

SIR: In connexion with your despatch No. 1110, of the 3d of October, respecting the transfer of certain criminals from Newfoundland to the United States, I have the honor to forward a copy of my note to Lord Russell of the 31st of October last, and also copies of his replies, dated the 3d of November last and the 24th of this month.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 31, 1864.

MY LORD: I have the honor to represent to you that, from information of an authentic character received by my government, no doubt is entertained that the colonial authorities of Newfoundland have been heretofore in the practice of commuting sentences passed upon criminals by the courts of that island on the condition that they leave it for other parts. And further, that in cases where such convicts select the United States as their destination, passages thither are granted to them by the government.

It appears that the immediate instance of this kind which attracted the notice of my government was that of three persons, named Daniel Hurley, Bryan Sheey and James Nowlan. Application having been made to the colonial authorities through her Majesty's minister at Washington for some explanations in regard to this case, the essential fact as above stated turned out to be conceded as true.

Under these circumstances, whilst cheerfully recording a belief, founded on the information thus supplied, that the proceedings have taken place through inadvertence, rather than ill intention, on the part of the colonial authorities, I am directed to express to your lordship a hope that her Majesty's government will be pleased to caution them against the continuance of any such practice hereafter.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 3, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, in which you make a representation respecting the practice of the authorities of Newfoundland of granting passages to the United States to convicts in that island, whose sentences have been commuted, on condition that they leave Newfoundland for other parts, and who select the United States as their destination; and I have the honor to inform you that I have lost no time in transmitting a copy of your representation to the proper department of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 24, 1865.

SIR: With reference to your letter of October last relative to some discharged convicts from Newfoundland who received public aid to quit the colony, and made use of that aid to proceed to the United States, I have the honor to inform you that a despatch has been received

from the governor of Newfoundland stating that he will do his best to prevent, so far as depends upon the government, the recurrence of any similar grounds of complaint.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 938.] LEGATION OF THE UNITED STATES,
London, April 28, 1865.

SIR: In connexion with my despatch No. 879, of the 16th of February, covering a copy of Lord Russell's note to me of the 1st of that month, I now forward a copy of a second note from him of the 25th instant, reporting the result of an investigation made at Bermuda on the character of certain steamers which arrived there.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 25, 1865.

SIR: In my letter of the 1st of February, I had the honor to inform you that due inquiry should be made respecting the proceedings of two vessels, the Virginia and Louisa Ann Fanny, to which you had called my attention in your letter of the 30th of January.

I have now the honor to state to you that a report has been received from the lieutenant governor of Bermuda respecting these vessels, as well as respecting the City of Richmond, which was mentioned in the letters from Mr. Morse which accompanied your note, and the steamer Ajax, to which the attention of the lieutenant governor of Bermuda had been called by a communication from her Majesty's chargé d'affaires at Washington.

The lieutenant governor states, 1st, as to the Virginia, that she had been at Bermuda, but not since the 25th of January, when she left with cargo for Nassau; 2d, that the Louisa Ann Fanny cleared for Havana on the 8th of March, the day on which the instructions respecting her reached the lieutenant governor; 3d, that the Ajax had not appeared in Bermuda; 4th, that the City of Richmond had been at Bermuda, but had left for Nassau before the instructions respecting her arrived.

With regard to this latter vessel, the lieutenant governor states that as she arrived with the reputation of having been used for belligerent purposes elsewhere, she had been strictly watched, and her state and proceedings had been matters of especial consideration on the part of the authorities. But notwithstanding the vigilance used towards her, and the attention she attracted, the lieutenant governor was not aware of any fact whatever indicating that she broke the law at Bermuda, or was preparing to break it elsewhere. After the City of Richmond had obtained her clearance, the lieutenant governor was appealed to by various parties, between whom disputes respecting her had arisen, to cause the ship to be detained, but the lieutenant governor was advised that he could not interfere.

With regard to the Louisa Ann Fanny, the lieutenant governor observes that she arrived loaded, but that while at Bermuda she applied for permission to ship some saltpetre, rifles, and other merchandise, and that the lieutenant governor, having been advised that there was no sufficient cause for prohibiting the shipment, allowed it to take place. The lieutenant governor further states, that either this is not the same vessel as that mentioned by Mr. Morse in his letter to you, or else that Mr. Morse greatly overrates her draught, which differs little, so far as the lieutenant governor could ascertain, from that of several notorious blockade-runners, and affords no evidence that she was built for other than the blockade-running service. She was closely watched, but nothing was discovered to indicate that her employment was not strictly mercantile.

The lieutenant governor adds, that whenever a ship has arrived at the Bermudas, under reasonable suspicion of warlike intention, she has been strictly watched; that in no instance has it been proved that a ship has armed there, and that, on the other hand, there is good reason for believing that illegal purposes have been frustrated by vigilance.

I have the honor to be, with the highest consideration, sir, you most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 940.] LEGATION OF THE UNITED STATES,
London, April 28, 1865.

SIR: I have the honor to transmit an address to the President, and also one to Mrs. Lincoln, which have just been placed in my hands by the president of the Union and Emancipation Society of Manchester.

* * * * * *

Public opinion is now strongly swaying in sympathy with us, but it is liable to quick and violent changes under the different impulses applied by parties friendly or otherwise. The opinion here affects that of all Europe; hence the great importance just at this crisis of giving it a careful direction. I doubt not that the President will at once and readily comprehend the precise nature of the emergency, and adapt his course to it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

(For enclosures see appendix, separate volume.)

Mr. Hunter to Mr. Adams.

No. 1383.] DEPARTMENT OF STATE,
Washington, May 2, 1865.

SIR: The public press will have informed you of the honors done by the people to the remains of our lamented President. on their transit from this city to Chicago, which point they have now reached. The assassination and the other atrocious attempts have called forth gratifying expressions of condolence and sympathy from foreigners resident in the United States, and from the government and many of the cities of Canada.

With reference to military events, I will mention that Macon, Georgia, was captured by General Wilson on the 13th ultimo, when he was notified by General Sherman of the truce, and withdrew.

When the truce between Generals Sherman and Johntson and the proposed terms of surrender was reported to the President, General Grant was promptly despatched to order the resumption of offensive operations, unless more satisfactory terms could be arranged, and the result was the surrender of Johnston, including all forces between Raleigh and Chattahoochee river, upon the same terms granted to Lee.

No information has been received of the interception of Jefferson Davis, who is said to have with him a large amount of gold taken from the banks at Richmond.

The newspapers will give you the important executive order of the 29th ultimo, and other orders of the Treasury Department removing to a certain extent restrictions on domestic trade with insurrectionary regions which have been reclaimed, as well as orders of the War Department looking to the reduction of various branches of the military arm of the service.

The Secretary of State is doing well. Mr. Frederick Seward's recovery is, I regret to say, retarded by hemorrhages, which, however, are believed to have passed without serious results.

John Wilkes Booth, the assassin of President Lincoln, was killed on the 26th ultimo, near Port Royal, on the Rappahannock, and his companion Herold captured alive.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(Same, *mutatis mutandis*, to all our principal ministers in Europe.)

Mr. Hunter to Mr. Adams.

No. 1384.] DEPARTMENT OF STATE,
Washington, May 2, 1865.

SIR: Your despatch of the 30th of March, No. 914, together with its accompanying copy of a series of resolutions adopted at a meeting in London, expressive of a desire to aid the Freedmen's Relief Association in the accomplishment of their object, has been received. The great calamity which befell the nation previous to the arrival of your communication deprived the association of the countenance and encouragement of the late distinguished President, to whom it was the intention of the meeting that these resolutions should have been presented. You may thank them in the behalf of the present Chief Magistrate for their kindly sympathy with so worthy a cause, and inform them that a copy of their resolutions will be laid before that association.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1385.] DEPARTMENT OF STATE,
Washington, May 2, 1865.

SIR: Your despatch of the 13th ultimo, No. 926, together with its accompanying copies of a correspondence between yourself and Earl Russell upon the subject of the visit to Nassau of the United States steamer Honduras, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1386.] DEPARTMENT OF STATE,
Washington, May 2, 1865.

SIR: I have received your despatch of the 12th ultimo, No. 922, informing the department that you had notified Mr. Perry, at Madrid, concerning Mr. Hale and the Kearsarge, and of a general conversation which you had with Earl Russell upon the subjects of the outfits and other operations of the rebels; in commenting upon which, you describe the beneficial influence exercised over her Majesty's government at home by the action of colonial dependencies, with reference to the violation of the Queen's neutrality.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1387] DEPARTMENT OF STATE,
Washington, May 2, 1865.

SIR: Your despatch of the 12th ultimo, No. 924, together with its accompanying copy of a note from Lord Russell in reply to your communication relative to the conduct of the steamer Laurel, alias the Confederate States, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1388.] DEPARTMENT OF STATE,
Washington, May 2, 1865.

SIR: Your despatch of the 13th ultimo, No. 927, enclosing a copy of your communication to Earl Russell relative to the destruction of the commerce of the United States by the vessels which have been constructed or equipped by her Majesty's subjects, and the advantages resulting to the insurgents by the privileges acceded to them as belligerents, by the British government, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Hunter.

No. 942.] LEGATION OF THE UNITED STATES,
London, May 4, 1865.

SIR: I have to acknowledge the reception of despatches from the department, numbered 1350, 1352, and 1353, together with a printed circular of the 17th of April, prescribing to officers of the government a form of mourning for the late President.

Immediately on the reception of your No. 1352 I addressed a note to Lord Russell, informing him of the melancholy event, to which his lordship very promptly replied. Copies are herewith transmitted.

The general feeling of the country on this occasion has found its appropriate expression in Parliament. Motions were made in both houses by members of the government for an address to her Majesty praying her to take suitable notice of it. A copy of the Times of the 2d instant, containing a full report of the proceedings, is also transmitted.

Respecting the demonstrations of sentiment made directly to me with a view to their being communicated to the government, I propose to make them the subject of a separate despatch.

I have addressed a circular to the officers of the United States within this jurisdiction, a copy of which is also transmitted.

I have the honor to be, sir, your obedient servsnt,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[Enclosure.]

1. Mr. Adams to Lord Russell, May 1, 1865.
2. Lord Russell to Mr. Adams, May 1, 1865.
3. The Times, May 2, 1865.
4. Circular from Mr. Adams to United States consuls, announcing the death of President Lincoln, May 2, 1865.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 1, 1865.

MY LORD: It is with deep concern that I hasten to communicate to your lordship the painful intelligence I have just officially received of the death of Abraham Lincoln, late President of the United States, who was assassinated in Washington city on the evening of the 14th ultimo, and expired the next morning from the effects of the wound.

In communicating this melancholy event I feel persuaded that your lordship and the British nation will not fail to participate in the general grief into which this sudden calamity has plunged the people of the United States.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c, &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 1, 1865.

SIR: I have had the honor to receive your note of this day's date, officially communicating to me the melancholy intelligence of the death by the hand of an assassin of the late President of the United States.

When the first intelligence of this sad calamity reached this country I conveyed to you by letter and in person the deep impression of horror and indignation which so atrocious a crime on the President of the United States had made upon me and on the several members of her Majesty's government, and it only remains for me now, in acknowledging your letter, to acquaint you that, by the command of the Queen, I have directed her Majesty's minister at Washington to convey to the government of the United the assurance that her Majesty sincerely condoles with the family of the late President, and that her Majesty's government and the British Parliament and the British nation are affected by a unanimous feeling of abhorrence of the criminal guilty of this cowardly and atrocious assassination, and their sympathy with the government and people of the United States under the great calamity which has befallen them.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[Circular.]

LEGATION OF THE UNITED STATES,
London, May 2, 1865.

SIR: Abraham Lincoln, President of the United States, expired at Washington on the morning of the 15th of April last. The fearful circumstances attending his death, as communicated in a telegraphic despatch addressed to me by Mr. Stanton, the Secretary of War, have been, by my direction, already brought to your attention in the newspapers so extensively that it is unnecessary now to repeat them.

The eminent personal qualities of Mr. Lincoln, displayed in the course of a period full of severe trials, the integrity of his character, and the heroic firmness with which he persevered in his policy until it was crowned with success, are now fully acknowledged, not only among his fellow-citizens at home, but by all foreign nations.

In token of the regret universally felt for this national loss, as well as in honor to the memory of the deceased, under the directions of the proper authorities at Washington I have to request the consuls of the United States, the vice-consuls, and others in official station within this jurisdiction, to wear crape upon the left arm for the period of six months from the date of this notification, and to display the flags of their respective consulates on the day and for the three following days succeeding the receipt of this communication at half mast, as well as to cause the masters of American vessels in their ports to hoist their flags in the same way for the same period.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

[From the London Times of May 2, 1865.]

HOUSE OF LORDS—MONDAY, *May* 1.

ASSASSINATION OF PRESIDENT LINCOLN.

EARL RUSSELL (who was very indistinctly heard) said: My lords, I rise to ask your lordships to address her Majesty, praying that in any communications which her Majesty may make to the government of the United States, expressing her abhorrence and regret at the great crime which has been committed in the murder of the President of that country, her Majesty will at the same time express the sorrow and indignation felt by this house at that atrocious deed. In this case I am sure your lordships will feel entire sympathy with her Majesty, who has instructed me already to express to the government of the United States the shock which she felt at the intelligence of the great crime which has been committed. [Hear, hear.] Her Majesty has also been pleased to write a private letter to Mrs. Lincoln [cheers] expressive of sympathy with that lady in her misfortune. [Cheers.] I think that your lordships will agree with me that in modern times there has hardly been a crime committed so abhorrent to the feelings of every civilized person as the one I am now alluding to. [Hear, hear.] After the first election of Mr. Lincoln as President of the United States, he was re-elected to the same high position by the large majority of the people remaining faithful to the government of the United States, and he was in the discharge of the duties of his office, having borne his faculties meekly, at the moment when an assassin attacked him at the theatre. There are circumstances connected with this crime which, I think, aggravate its atr. city. President Lincoln was a man who, though not conspicuous before his election, had since displayed a character of so much integrity, so much sincerity and straight-forwardness, and at the same time of so much kindness, that if any one was able to alleviate the pain and animosities which prevailed during the period of civil war, I believe that Abraham Lincoln was that person. It was remarked of President Lincoln that he always felt disinclined to adopt harsh measures, and I am told that the commanders of his armies often complained that when they had passed a sentence which they thought no more than just, the President was always disposed to temper its severity. Such a man this particular epoch requires. The conduct of the armies of the United States was intrusted to other hands, and on the commanders fell the responsibility of leading the armies in the field to victory. They had been successful against those they had to contend with, and the moment had come when, undoubtedly, the responsibilities of President Lincoln were greatly increased by their success. But, though it was not for him to lead the armies, it would have been his to temper the pride of victory, to assuage the misfortunes which his adversaries had experienced, and especially to show, as he was well qualified to show, that high respect for valor on the opposite side which has been so conspicuously displayed. It was to be hoped that by such qualities, when the conflict of arms was over, the task of conciliation might have been begun, and President Lincoln would have an authority which no one else could have had to temper that exasperation which always arises in the course of civil strife. [Hear, hear.] Upon another question the United States and the confederates will have a most difficult task to perform. I allude to the question of slavery, which some have always maintained to have been the cause of the civil war. At the beginning the House will remember that President Lincoln declared that he had no right by the Constitution to interfere with slavery. At a later period he made a communication to the commander-in-chief of the United States forces in which he proposed that in certain States the slaves should be entirely free; but at a later period he proposed, what he had a constitutional qualification to propose, that there should be an alteration in the Constitution of the United States, by which compulsory labor should hereafter be forbidden. I remember that Lord Macaulay once declared that it would have been a great blessing if the penal laws against the Catholics had been abolished from the time of Sir R. Walpole, though Sir R. Walpole would have been mad to propose a measure for that purpose. So the same may be said of slavery, though I believe that the United States were justified in delaying the time when that great alteration of the United States law should take place. But. whatever we may think on these subjects, we must all deeply deplore that the death of President Lincoln has deprived the United States of a man, a leader on this subject, who by his temper was qualified to propose such a measure as might have made this great change acceptable to those before opposed to it, and might have preserved the peace of the great republic of America while undergoing that entire new organization which would be necessary under such circumstances. [Hear.] I think we must all feel both sympathy with the United States in this great affliction, and also a hope that he who is now, according. to the American Constitution, intrusted with the power of the late President, may be able both on the one subject and on the other—both in respect to mercy and leniency towards the conquered, and also with regard to the measures to be adopted for the new organization which the abolition of slavery will render requisite—to overcome all difficulties. I had some time ago, at the commencement of this contest, occasion to say that I did not believe that the great republic of America would perish in this war, and the noble lord at the head of the government had lately occasion to disclaim on the part of the government of this country any feeling of envy at the greatness and prosperity of the United States. The course which her Majesty's government have had to pursue during this civil war has been one of great anxiety. Diffi-

culties have occurred to us, and difficulties have also occurred to the government of the United States, in maintaining the peaceful relations between the two countries; but those difficulties have always been treated with temper and moderation both on this side and the other side of the Atlantic. I trust that that temper and moderation may continue, and I can assure this House that, as we have always been guided by the wish that the American government and the American people should settle for themselves the conflict of arms without any interference of ours, so likewise during the attempt that has to be made to restore peace and tranquillity to America we shall equally refrain from any kind of interference or intervention, though we trust that the efforts to be made for restoring peace will be successful, and that the great republic of America will always flourish and enjoy the freedom it has hitherto enjoyed. [Hear, hear.] I have nothing to say with regard to the successor of Mr. Lincoln. Time must show how far he is able to conduct the difficult matters which will come under his consideration with the requisite wisdom.. All I can say is that, in the presence of the great crime which has just been committed, and of the great calamity which has fallen on the American nation, the Crown, the Parliament, and the people of this country do feel the deepest interest for the government and people of the United States; for, owing to the nature of the relations between the two nations, the misfortunes of the United States affect us more than the misfortunes of any other country on the face of the globe. [Hear, hear.] The noble earl concluded by moving an humble address to her Majesty to express the sorrow and indignation of this House at the assassination of the President of the United States, and to pray her Majesty to communicate these sentiments on the part of this House to the government of the United States.

The Earl of Derby. My lords, when, upon the last occasion of our meeting, the noble earl opposite announced his intention of bringing forward the motion he has now submitted to the House, I ventured to express my hope that the government had well considered the form of the motion they were going to make, so that there might be nothing in the form which would in the slightest degree interfere with the unanimity desirable on such an occasion. It would have been more satisfactory to me if the noble earl had entered somewhat upon the consideration of the question, and had informed your lordships upon what grounds he proposed so unusual a course—though arising, I admit, out of unusual, if not unprecedented, circumstances—as that of addressing the Crown, and praying her Majesty to convey to a foreign government the sentiments of Parliament with regard to the event which has taken place. For myself, I confess that I am rather of the opinion that the more convenient and—I will not say the more usual, but—the more regular course would have been to have simply moved a resolution of this, in conjunction with the other house of Parliament, expressing those feelings which it is proposed by the motion to place in the form of an address to the Crown. [Hear.] But I am so extremely desirous that there should not appear to be the slightest difference of opinion at this moment [hear] that I cannot hesitate to give my assent to the form proposed by the government, whatever doubt I may entertain that the form is the most convenient which might have been adopted. In joining in this address—that is to say, in expressing our sorrow and indignation at the atrocious crime by which the United States have been deprived of their Chief Magistrate—your lordships will only follow, though the event has been known so short a time, the universal feeling of sympathy which has been expressed from one end of this kingdom to the other. [Hear, hear.] And if there be in the United States any persons who, misled by our having abstained from expressing any opinion as to the conflict now going on, or even from expressing the opinon we may have formed upon the merits of the two great contending parties—if there be any persons who believe that there is a generally unfriendly feeling in this country towards the citizens of the United States, I think they could hardly have had a more complete refutation of that opinion [cheers,] conveyed in what I hope will be the unanimous declaration of Parliament, following the declarations which her Majesty has been pleased to make both publicly and privately to the American minister as well as to the widow of President Lincoln, and again following the voluntary and spontaneous expression of opinion which has already proceeded from almost all the great towns and communities of this country. [Hear, hear.] Whatever other misfortunes may have attended this atrocious crime, I hope that, at least, one good effect may have resulted from it—namely, that the manner in which the news has been received in this country will satisfy the people of the United States that her Majesty's subjects, one and all, deeply condemn the crime which has been committed, and deeply sympathize with the people of the United States in their feelings of horror at the assassination of their Chief Magistrate. [Hear, hear.] For the crime itself there is no palliation whatever to be offered. There may be differences of opinion as to the merits of the two parties who are contending, the one for empire and the other for independence, in the United States—I follow the words of the noble earl opposite; but there is, there can be, no difference of opinion upon this point: that the holiest and the purest of all causes is desecrated and disgraced when an attempt is made to promote it by measures so infamous as this. [Hear, hear.] If it were possible to believe that the confederate authorities encouraged, sympathized with, or even did not express their abhorrence of this crime, I should say they had committed that which was worse than a crime—a gross blunder; because, in the face of the civilized world, a cause which required or submitted to be promoted by the crime of assassination would lose all sympathy and kindly feeling on

the part of those who might otherwise be well disposed towards it. But I am perfectly satisfied—I am as well satisfied as I can be of anything, that this detestable act of assassination is so entirely alien to the whole spirit in which the south have conducted this war [cheers,] is so alien to the courageous, manly, and at the same time forbearing course which they have adopted in the struggle for everything that is dear to them, that I am convinced that, apart from the error of judgment which would be involved in sanctioning such a crime, they cannot have been guilty of so great a blunder, and cannot fail to express for it their detestation, and to feel at the same time that no step could have been taken which could have inflicted so great an injury on their own cause. [Hear, hear.] I will not venture to follow the noble earl even into the slight discussion which he has originated with regard to the internal politics of the United States. I will not discuss the difficulty which at the present moment is felt in the United States—the difficulty caused by slavery. I will not express any opinion as to the question whether the late defeats, serious as they are, and apparently fatal to the cause of the south, have produced, or are likely to lead to, an early termination of the war. In whatever way the war may be terminated, it must be the desire of every friend of humanity that it should be terminated soon and without further and unnecessary effusion of blood. But I join entirely with the noble earl in lamenting the loss of a man who had conducted the affairs of a great nation, under circumstances of great difficulty, with singular moderation and prudence, and who, I believe, was bent upon trying to the utmost a system as conciliatory as was consistent with the prosecution of the war in which the country was engaged. I agree that the death of such a man, in such a manner, and at such a time, is a subject not only for deep regret and for abhorrence of the crime by which he was deprived of life, but that it is also a serious misfortune, in the present condition of affairs, for the state over which he exercised authority and for the prospects of an amicable settlement. [Hear, hear.] I can only hope that, notwithstanding some ominous expressions which have already fallen from him, the successor who has so unexpectedly been elevated to the high position filled by Mr. Lincoln may be disposed and enabled to follow the wise and conciliatory course which, I believe, in the prospect of success, Mr. Lincoln had decided upon adopting. [Hear.] I am not insensible to the danger that public exasperation arising out of this act may force upon the government a less conciliatory and more violent course than that which Mr. Lincoln seemed to have marked out for himself; but I am satisfied that the adoption of such a course can only further protract the horrors of this civil war, adding to the other motives of the south the most powerful of all motives—the motive of despair—leading the south to fight out this question to the bitter end, so that while the one side is exasperated into desire to exterminate its opponents, they, in their despair, will be ready to submit to extermination, rather than accept the unreasonable terms of the north. [Hear, hear.] Thus in the act itself, in the circumstances under which this crime has been committed, and in the fatal influences which it may exercise upon the returning prospects of peace in the United States, we must find reasons for deeply lamenting the occurrence which has taken place; and I am quite sure that, independently of all political motives, but not saying that political motives do not enter into our views, I am expressing the universal feeling of this House and of the country when I say that we view with horror, with detestation, and with indignation the atrocious crime by which the life of the President of the United States has been ended. [Cheers.]

Lord Stratford de Redcliffe. My lords: In consideration of my residence in the United States of America—at a somewhat distant period, it is true, but nevertheless in the character of a British representative—I hope I may be allowed to offer a few words in addition to those which have been so ably and justly expressed on both sides of the House. I cannot pretend to make any addition of real importance to what has been said already with so much effect, and it is therefore only for the gratification of a private feeling and for the discharge, as it were, of a personal debt, that I venture to claim your lordships' indulgence for a few moments. The crime of assassination is so utterly revolting to the hearts and feelings of Englishmen, that we cannot wonder at the cry of horror and indignation with which the death of President Lincoln has been received in this country throughout the breadth and length of the land The circumstances under which that atrocious crime was perpetrated could not but heighten the abhorrence with which the act itself is to be viewed. Whether we look to the private affliction caused by its commission, or to the public consequences which may flow from the catastrophe, our compassion on the one side, and our anxiety on the other, is naturally roused to the highest degree. It is not in my province to pronounce any kind of judgment on the qualities, the conduct, or the intentions of the late President of the United States. It would be unkind and unworthy not to give him credit for the best claims on our esteem and regret. But when I figure to myself the chief magistrate, the temporary sovereign of a great nation, struck down by a sudden and dastardly blow in the presence of his astounded family, in the first moments of relaxation from the toils and severe anxieties of a great civil contest, and in the midst of those who gave him their admiring acclamations, every thought is lost in one overpowering sentiment of horror and disgust. [Hear, hear.] At the time of my personal acquaintance with America the relations between the different portions of the Union were such as to promise a long series of peaceful and prosperous years. The dreadful rupture which took place on the election of the late lamented President could hardly have been foreseen by the most sagacious and far-sighted politician. This country,

as we all know, was seized with unfeigned astonishment and deep concern at the unexpected event; and I must do her Majesty's government the justice to say that during the whole course of the war the balance of a strict neutrality has been maintained with the most even-handed and resolute sense of duty. I am slow to believe that the people of the United States entertain towards this country the sentiments of mistrust and animosity which have been sometimes attributed to them. Of this I feel sure, that no such hostile sentiments are entertained by the people of this country towards them; and, were it otherwise, I am persuaded that while on this side every unpleasant feeling unaffectedly merges in sympathy for the late bereavement at Washington, so, on the other, the expression of that sympathy, pure and deep as it is, cannot fail to obliterate any impressions unfavorable to us which may have arisen in any portion of the American population. The expression of our sympathy is not confined to numerous associations in every part of the country. It now assumes the more solemn character of a parliamentary condolence, confirmed by the unanimous consent of both houses and crowned by the gracious participation of a sovereign whose sad acquaintance with sorrow is the strongest pledge of her sincerity. It is not for me to hazard any conjecture as to the cause of that atrocious crime which we all concur in lamenting, or the quarter whence it proceeded. But it is next to impossible that the gallant and highminded leaders of the one conflicting party could have descended so low as to support their imperilled cause by an assassination as base as it is execrable, and equally hard to conceive that those of the triumphant Union should entertain a suspicion at once so improbable and so unlike the magnanimity they are called upon to display. It is rather to be hoped and expected that the terrible calamity which has occurred, with such awful suddenness, will sober the agitated passions on both sides, and render acceptable to all the expressions of sympathy about to be transmitted from this country to our kindred beyond the Atlantic. [Hear, hear.]

The motion, having been put by the lord chancellor, was carried *nemine contradicente.*

HOUSE OF COMMONS—MONDAY, *May* 1, 1865.

THE ASSASSINATION OF PRESIDENT LINCOLN.

Sir G. GREY said: I very much regret the unavoidable absence of my noble friend at the head of the government, in whose name the notice was given of the motion which it now devolves upon me to ask the House to agree to. I feel, however, that it is comparatively unimportant by whom the motion is proposed, because I am confident that the address to the Crown which I am about to ask the House to agree to is one which will meet with the cordial and unanimous assent of all. [Cheers.] When the news a few days ago of the assassination of the President of the United States, and the attempted assassination—for I hope that we may now confidently expect that it will not be a successful attempt—of Mr. Seward reached this country, the first impression in the mind of every one was that the intelligence could not be true. [Cheers.] It was hoped by every one that persons could not be found capable of committing a crime so atrocious. [Hear, hear.] When the truth was forced upon us, when we could no longer entertain any doubt as to the correctness of the intelligence, the feeling which succeeded was one of universal sorrow, horror, and indignation. [Cheers.] It was felt as if some great calamity had befallen ourselves, [renewed cheering,] for in the civil war, the existence and the long continuance of which we have so sincerely deplored, it is well known that the government of this country, acting, as I believe, in accordance with the almost unanimous, or perhaps I may say, in accordance with the unanimous feeling of this country, had maintained a strict and impartial neutrality. But it is notorious, and it could not in a great country like this be otherwise, that different opinions have been entertained by different persons with regard to the questions at issue between the northern and southern States of America, but still I believe that the sympathies of the majority of the people of this country have been with the north. [Cries of "No, no," "Hear, hear," and "Question, question."] I am desirous on this occasion of avoiding everything which may excite any difference of opinion. I may say, therefore, that in this free country different opinions have been entertained and different sympathies felt, and that in this free country the freest expression has been given, as should be the case, to those differences of opinion. [Hear, hear.] I am sure I shall raise no controversy when I say in the presence of that great crime which has sent a thrill of horror through every one who heard of it, all difference of opinion, all conflicting sympathies for a moment entirely vanished. [Loud cheers.] I am anxious to say at once, and I desire to proclaim that belief with the strongest confidence, that this atrocious crime was regarded by every man of influence and power in the southern States with the same degree of horror which it excited in every other part of the world. [Loud cheers.] We may, therefore—and this is all I wish to say upon this subject—whatever our opinions with regard to the past, and whatever our sympathies may have been—we shall all cordially unite in expressing our abhorrence of that crime, and in rendering our sympathy to that nation which is now mourning the loss of its chosen and trustful chief, struck to the ground by the hand of an assassin, and that, too, at the most critical period of its history. [Cheers.] While lamenting that war and the loss of life which it has enevitably occasioned, it is impossible, whatever our opinions or our sympathies may have been, to

withhold our admiration from the many gallant deeds performed and acts of heroism displayed by both parties in the contest, and it is a matter for bitter reflection that the page of history, recording such gallant achievements and such heroic deeds by men who so freely shed their blood on the battle-field in a cause which each considered right, should also be stained with the record of a crime such as we are now deploring. [Cheers.] At length a new era appeared to be dawning on the contest between the north and the south. The time had come when there was every reason to hope that that war would speedily be brought to a close. Victory had crowned the efforts of the statesmen and the armies of the federals, and most of us—all I hope—had turned with a feeling of some relief and some hope for the future from the record of sanguinary conflicts to that correspondence which has but recently passed between the generals commanding the hostile armies. [Cheers.] And when we turned to Mr. President Lincoln, I should have been prepared to express a hope, indeed an expectation—and I have reason to believe that that expectation would not have been disappointed—that in the hour of victory and in the use of victory he would have shown a wise forbearance, a generous consideration, which would have added ten-fold lustre to the fame and reputation which he has acquired throughout the misfortunes of this war. [Hear, hear.] Unhappily the foul deed which has taken place has deprived Mr. Lincoln of the opportunity of thus adding to his well-earned fame and reputation; but let us hope, what indeed we may repeat, that the good sense and right feeling of those upon whom will devolve the most arduous and difficult duties in this conjuncture will lead them to respect the wishes and the memory of him whom we are all mourning, [cheers,] and will lead them to act in the same spirit and to follow the same counsels by which we have good reason to believe the conduct of Mr. Lincoln would have been marked had he survived to complete the work that was intrusted to him. [Cheers.] I am only speaking the general opinion when I say that nothing could give greater satisfaction to this country than by means of forbearance, it may be of temperate conciliation, to see the union of the north and south again accomplished, especially if it can be accomplished by common consent, freed from what hitherto constituted the weakness of that union—the curse and disgrace of slavery. [Cheers.] I wish it were possible for us to convey to the people of the United States an adequate idea of the depth and universality of the feeling which this sad event has occasioned in this country, that from the highest to the lowest there has been but one feeling entertained. Her Majesty's minister at Washington will, in obedience to the Queen's command, convey to the government of the United States the expression of the feelings of her Majesty and of her government upon the deplorable event; and her Majesty, with that tender consideration which she has always evinced for sorrow and suffering in others, of whatever rank, [cheers,] has with her own hand written a letter to Mrs. Lincoln, [loud cheers,] conveying the heartfelt sympathy of a widow to a widow [renewed cheers] suffering under the calamity of having lost one suddenly cut off. [Cheers.] From every part of this country, from every class, but one voice has been heard, one of abhorrence of the crime, and of sympathy for and interest in the country which has this great loss to mourn. The British residents in the United States, as of course was to be expected, lost not an hour in expressing their sympathy with the government of the United States. The people of our North American colonies are vieing with each other in expressing the same sentiments. [Cheers.] And it is not only among men of the same race who are connected with the people of the United States by origin, language and blood, that these feelings prevail, but I believe that every country in Europe is giving expression to the same sentiments and is sending the message to the government of the United States. I am sure, therefore, that I am not wrong in anticipating that this house will, in the name of the people of England, of Scotland, and of Ireland, be anxious to record their expression of the same sentiment, and to have it conveyed to the government of the United States. [Cheers.] Of this I am confident, that this house could never more fully and more adequately represent the feelings of the whole of the inhabitants of the United Kingdom than by agreeing to the address which it is now my duty to move, expressing to her Majesty our sorrow and indignation at the assassination of the President of the United States, and paying her Majesty that, in communicating her own sentiments to the government of that country upon the deplorable event, she will express at the same time, on the part of this house, their abhorrence of the crime, and their sympathy with the government and the people of the United States in the deep affliction into which they have been thrown. [Loud cheers.]

Mr. DISRAELI said: There are rare instances when the sympathy of a nation approaches those tenderer feelings which are generally supposed to be peculiar to the individual, and to be the happy privilege of private life; and this is one. Under any circumstances we should have bewailed the catastrophe at Washington; under any circumstances we should have shuddered at the means by which it was accomplished. But in the character of the victim, and even in the accessories of his last moments, there is something so homely and innocent that it takes the question, as it were, out of all the pomp of history and the ceremonial of diplomacy; it touches the heart of nations, and appeals to the domestic sentiment of mankind. [Cheers.] Whatever the various and varying opinions in this house, and in the country generally, on the policy of the late President of the United States, all must agree that in one of the severest trials which ever tested the moral qualities of man he fulfilled his duty with simplicity and strength. [Cheers.] Nor is it possible for the people of England at such

a moment to forget that he sprung from the same fatherland, and spoke the same mother tongue. [Cheers.] When such crimes are perpetrated the public mind is apt to fall into gloom and perplexity, for it is ignorant alike of the causes and the consequences of such deeds. But it is one of our duties to reassure them under unreasoning panic and despondency. Assassination has never changed the history of the world. I will not refer to the remote past, though an accident has made the most memorable instance of antiquity at this moment fresh in the minds and memory of all around me. But even the costly sacrifice of a Cæsar did not propitiate the inexorable destiny of his country. If we look to modern times, to times at least with the feelings of which we are familiar, and the people of which were animated and influenced by the same interests as ourselves, the violent deaths of two heroic men, Henry IV, of France, and the Prince of Orange, are conspicuous illustrations of this truth. In expressing our unaffected and profound sympathy with the citizens of the United States on this untimely end of their elected chief, let us not, therefore, sanction any feeling of depression, but rather let us express a fervent hope that from out of the awful trials of the last four years, of which the least is not this violent demise, the various populations of North America may issue elevated and chastened, rich with the accumulated wisdom and strong in the disciplined energy which a young nation can only acquire in a protracted and perilous struggle. Then they will be enabled not merely to renew their career of power and prosperity, but they will renew it to contribute to the general happiness of mankind. [Cheers.] It is with these feelings that I second the address to the Crown. [Loud cheers.]

The motion was then put and adopted unanimously, the announcement of which fact by the speaker was received with cheers.

Mr. Adams to Mr. Hunter.

No. 943.] LEGATION OF THE UNITED STATES,
London, May 4, 1865.

SIR: The death of the President and the fearful circumstances under which it was brought about have occupied the public mind, all over this kingdom, almost exclusively during the past week.

At the desire of the Americans residing in this city I called a public meeting of all such as might happen to be here, for Monday last. It was very well attended. I have the honor to transmit a copy of the proceedings.

I have the honor to transmit a number of addresses, resolutions, or other forms of public action, taken by various corporate bodies, in England, Scotland, and Ireland, on this subject, and forwarded to me down to this time, according to the list which is attached to this despatch.

As a further evidence of the extent of the public feeling, I transmit a considerable number of newspapers from different parts of the kingdom which have been sent to me as containing comments upon the late calamity.

A very large number of persons have called at this legation, including most of the members of the corps diplomatique, in token of their sentiments on this occasion. The labor devolved upon the members of it in acknowledging all these demonstrations is not small. It will also become a serious question to decide upon the most suitable mode of responding to them. On mature reflection, I should rather recommend one brief, comprehensive communication, which I might be authorized to print, in some form or other, and send to the respective parties concerned.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[Enclosures.]

1. Resident Americans to Mr. Adams, April 27, 1865.
2. Mr. Adams's reply, April 27, 1865.
   Proceedings of a meeting of Americans at St. James Hall, May 1, 1865.
3. The Morning Star. Proceedings of meeting, May 2, 1865.
4. Package of addresses to the President.
5. List of addresses to the President.
6. Packages of newspapers.

[Enclosure No. 5.]

Resolutions, addresses, &c., for the United States government, &c., from—

Chamber of Commerce and Shipping, Hull; Mauritian colored gentlemen resident in London; inhabitants of Darwen, Lancashire county; inhabitants of Bradford, Yorkshire; Bristol Workingmen's Club; teachers of the Bristol ragged schools; Chamber of Commerce at Glasgow; city of Dublin; city of London; city of Liverpool; American Chamber of Commerce at Liverpool; Stourbridge Union; town of Bradford—inhabitants; Chamber of Commerce at Sheffield; Chamber of Commerce, Bradford; Sheffield Cutlers' Company; Americans in Glasgow; city of Bristol; inhabitants of Kittering; borough of Leicester; Grand Trunk Railway Company; church of St. Marylebone, London; British Honduras Company; Bank of British Columbia; inhabitants of Liverpool; borough of Birmingham; city and borough of Canterbury; address to Andrew Johnson from the Union and Emancipation Society, of Glasgow; Carl Blind, and other Germans resident in London; Stafford—Auxiliary Union and Emancipation Society; borough of Wakefield, one copy for Andrew Johnson and one for William H. Seward; borough of Reading; citizens of Norwich; borough of Buckingham; corporation of Cameron; inhabitants of Halstead; council of Wells; Kingston-upon-Hull; borough of Cambridge; Stourbridge; village of Staplehurst; committee of deputies of British Jews; Bolton; city of Glasgow; merchants and others of the Greek race resident in London; the vestry of the parish of St. Luke, Chelsea; Peterborough; burgh of Frith; city of Cork; county of Roxburgh; borough of Dorchester; county of Elgin; borough of Bath; inhabitants of Heighley, Yorkshire; Sunderland; magistrates and council of Forfar; county of Forfar; Earl of Dalhousie, lord lieutenant; inhabitants of Nottingham; merchants, bankers, and traders of the city of London; Foreign Affairs Committee, Sheffield; Montrose; Dewsbury Chamber of Commerce; Newcastle-under-Lyne, in the county of Stafford; Edinburgh Chamber of Commerce and Manufacture; borough of Preston, in the county of Lancaster; Leith Chamber of Commerce; borough of Evesham, in the county of Worcester; city of Winchester; city of York; borough of Dover; Bury, Lancashire; Stratford-upon-Avon; Dewesbury; borough of Congleton; Warrington, Lancashire; borough of Sheffield; Covent Garden theatrical fund; Colchester, Essex; the United Methodist Free Church, Hartlepool; Dramatic Reading at Leeds; city of Edinburgh; American residents in London.

(For enclosures mentioned in No. 5 see Appendix, separate volume.)

Mr. Adams to Mr. Hunter.

No. 944.] LEGATION OF THE UNITED STATES,
London, May 4, 1865.

SIR: I have the honor to transmit a number of addresses and resolutions from various assemblages of persons in this kingdom, intended as marks of sympathy for Mrs. Lincoln, the widow of the late President of the United States. A list of the same is subjoined.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

(For enclosures see Appendix, separate volume.)

Resolutions, addresses, and memorials for Mrs. Abraham Lincoln, from—

Darwen, Lancashire; Bradford; Bristol Workingmen's Club; Bristol ragged school; city of Dublin; Union and Emancipation Society of London; American Chamber of Commerce; Americans in Glasgow; town of Bradford; city of Bristol; borough of Liecester; inhabitants of Liverpool; borough of Birmingham; borough of Wakefield; borough of Lymington; Kingston-upon-Hull; borough of Cambridge; village of Staplehurst; committee of deputies of British Jews in London; Bolton; Farquay; city of Glasgow; town of Nottingham; vestry of St. Luke, Chelsea; Peterborough; county of Roxburgh; borough of Dorchester; borough of Sheffield; Keighley, Yorkshire; bankers, merchants and traders in London; Newcastle-on-Lyne; city of York; borough of Dover; Stratford-upon-Avon; Dewsbury; borough of Congleton; Colchester; the United Methodist Free Church, Hartlepool; letter unknown; letter from St. John's Workingmen's Club; Wolverhampton; American residents in London.

Mr. Hunter to Mr. Adams.

No. 1392.] DEPARTMENT OF STATE,
Washington, May 5, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 20th April, No. 932, transmitting a copy of a letter from the United States consul at Teneriffe, concerning the arrival of the Stonewall at that place on the 31st of March last, and her departure therefrom on the day following.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1394.] DEPARTMENT OF STATE,
Washington, May 5, 1865.

SIR: Your despatch of the 20th ultimo, No. 930, has been received.

It is believed that, however slight may have been the effect of the military news which had reached England at the date of your despatch, that which has subsequently gone forward will be more justly appreciated. But for the deplorable event which has shrouded the land in mourning, our rejoicing over the opening future would be unalloyed. Surely the maritime powers can need no further arguments to persuade them to withdraw the concession of belligerent rights to the insurgents on the ocean, since it seems that the insurrection is practically suppressed. Your observations upon the subject of our financial affairs have been submitted to the consideration of the Secretary of the Treasury.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1395.] DEPARTMENT OF STATE,
Washington, May 5, 1865.

SIR: I will thank you to cause the enclosed copy of the second annual report of the National Freedmen's Relief Association to be conveyed to those gentlemen who are interested in carrying into effect the second resolution of those which were passed by a meeting at St. George's Hall, and a copy of which accompanied your despatch No. 914, of the 30th of March.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1397.] DEPARTMENT OF STATE,
Washington, May 5, 1865.

SIR: Your despatch of the 14th ultimo, No. 928, together with its accompanying address by the Anti-slavery Society of Glasgow to the late lamented President Abraham Lincoln, has been received. Though Divine Providence

has seen fit to remove from our midst the great man to whom these congratulations are addressed, you may, at a convenient opportunity, inform the society that the present Chief Magistrate highly appreciates this token of their sympathy with the great work which he has been called to complete.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1398.] DEPARTMENT OF STATE,
Washington, May 6, 1865.

SIR: Referring to instructions No. 1315, March 21, and 1317, March 22, last, in regard to the proceedings of the steamer City of Richmond in transferring arms and men to the iron-clad Olinde, or Stonewall, I beg your attention to the enclosed copy of a letter of the 1st instant from the War Department enclosing a copy of a report from Major Ludlow to General Dix, giving the information derived from Ernest W. Pratt, the mate, and Robert Green, the steward of the City of Richmond, in relation to the transaction referred to. You will, perhaps, find this information useful in discussing the matter, though it is regretted that it is not in the form of a deposition of the men.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Dana to Mr. Seward.

WAR DEPARTMENT, *Washington City, May* 1, 1865.

SIR: Referring to your letter of the 6th ultimo, asking that the Department of State be furnished with an authenticated copy of such statements as may be elicited from Ernest W. Pratt and Robert Green, two of the crew of the City of Richmond, regarding the transaction in which the Sea King was engaged, conveying men and munitions to the Olinde, I am instructed to transmit the enclosed report from Major General Dix, which he states furnishes all the information obtainable in the case.

I have the honor to be, sir, your obedient servant

C. A. DANA, *Assistant Secretary of War.*

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Report.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York, March 18, 1865.

GENERAL: In compliance with your instructions, I have investigated the cases of Ernest W. Pratt and Robert Green, passengers on the Corsica from Nassau, who arrived last evening at 11 o'clock, and were arrested by officer James S. Chalker, of the revenue service, not having the necessary passports, and were brought to these headquarters this morning for examination.

Pratt was secreted in the captain's room and Green in the purser's room during the time all the other passengers were being examined by the officer. Pratt was the mate and Green was the steward of the steamer City of Richmond. This steamer, of 455 tons, was owned by Cranshaw, the rebel agent in London; was fitted out there, loaded with coals and provisions at that port, and cleared, with W. Scott as master, about 3d January last for Bermuda, or any of the West India islands, with the understanding, on the part of Pratt and Green, that she was to run the blockade. After leaving London, she dropped down the Thames river about about eighty miles, to a place called Greenhigh's, and there took on board some boxes of

nall-arms, between sixty and seventy officers and men, and about three hundred barrels of unpowder. The regular crew of the City of Richmond was composed of about forty-five offi-ers and men, taken on at London. After shipping the ammunition and men, she steamed for ie coast of France, and in about seven days arrived off Belle Isle, when she met the rebel ram 'linde, and at a distance of about four miles from shore. She transferred to this ram all the ficers and men taken on at Greenhigh's, a large quantity of provisions, and about one undred and fifty barrels of gunpowder and all the small-arms; she then steamed for Bermuda. nchored in the harbor of St. George, where she landed some of her provisions and balance of unpowder, took in coal, made some repairs, and remained in port about a week. She then 'ent to Nassau, New Providence, where she arrived about the 4th or 5th March instant. After 'maining on board in this port about four days, all the officers and men were ordered on shore y Captain Scott, and some functionary was sent from the town to enforce the order. There had een difficulty between the officers and crew and Captain Scott, growing out of the manner in 'hich Captain Scott had discharged the former from the ship. After they had left the ship, 'aptain Scott gave her into the hands of one Captain Davidson, not a British subject, who ad come out in her from London, and was the agent of the owner, Cranshaw. The City ' Richmond was at Nassau when the Corsica left.

The above facts I derived from an examination of Pratt and Green. The former made his atements very unwillingly, and only in reply to pressing and searching questions. He nows much more than he admits, and refused to answer many questions I put to him. I ave no doubt whatever that he was fully aware of the whole objects of the fitting out the argo, the passengers, and the destination of the City of Richmond. I enclose herewith the 'rtificate of discharge of Pratt and Green, and the communications to you of Mr. Thomas 'irkpatrick, United States consul, at Nassau, N. P. The Mr. Howell therein referred to ives upon his examination no additional facts to those above stated.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Acting Aide-de-Camp, and Acting Inspector General, Department of the East.

Major General JOHN A. DIX,
Commanding Department of the East.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York, April 21, 1865.

I certify on honor that the facts stated in the foregoing report were derived from the amination of Pratt and Green, except the fact reported of their concealment on board the orsica, which was reported to me by revenue officer James S. Chalker.

WM. H. LUDLOW,
Acting Aide-de-Camp and Acting Inspector General, Department of the East.

Mr. Hunter to Mr. Adams.

o. 1399.] DEPARTMENT OF STATE,
Washington, May 8, 1865.

SIR: It having appeared from evidence furnished to the Bureau of Mil-ary Justice that the atrocious murder of the late President and the at-empted assasination of the honorable William H. Seward, Secretary of tate, were incited, concerted, and procured by and between Jefferson Davis acob Thompson, Clement C. Clay, Beverley Tucker, George N. Sanders, Wil-am C. Cleary, and other rebels and traitors against this government, har-ored in Canada, President Johnson, with a view to promote the ends of justice, y public proclamation on the 2d instant—a correct copy of which you will find n the "Washington Chronicle" of the 4th instant, which will be forwarded to ou by mail—offered pecuniary reward for the arrest of either of said parties 'ithin the United States, in order that they may be brought to trial.

I refer you to the files of the same paper for the news of the week.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Mr. Adams to Mr. Hunter.

No. 949.] LEGATION OF THE UNITED STATES,
London, May 11, 1865.

SIR: In reference to the subject-matter of the despatch from the department, No. 1314, of the 21st of March, I have the honor to transmit copies of a note of mine to Lord Russell, of the 4th of April, and of his reply, dated the 8th instant.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, April 4, 1865.
2. Lord Russell to Mr. Adams, April 5, 1865.
3. Lord Russell to Mr. Adams, April 8, 1865.
4. Professor Abel's report.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 4, 1865.

MY LORD: I have the honor to present to your consideration a copy of a letter addressed to the Secretary of State of the United States by the commander-in-chief of the armies, together with accompanying papers, relating to certain fuzes found to have been in the hands of the insurgents at the storming of Fort Fisher, which are alleged to have been supplied from the arsenal at Woolwich. I likewise transmit samples of the fuzes referred to.

I am directed to call your lordship's attention to the circumstance that these fuzes are affirmed to be the invention of Professor Abel, and are maunfactured exclusively by him at Woolwich, under the name of the Abel fuze.

Should this allegation prove, on investigation, to be correct, I am further desired to solicit a suitable expression of her Majesty's displeasure with Professor Abel for such an abuse of her sovereign authority.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, *&c., &c., &c.*

[Enclosures,]

1. Lieutenant General Grant to Mr. Seward, March 19, 1865.
2. Tal. P. Shaffner to General Grant, March 19, 1865.
3. Lieutenant Colonel Babcock to General Grant, March 19, 1865.
4. Box with three fuzes.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 5, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, respecting certain fuzes found in Fort Fisher, which it is alleged were supplied from Wolwich arsenal, and I have to inform you that I have requested the secretary of state for war to cause an immediate investigation to be made into the circumstances of the case.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 8, 1865.

SIR: I have the honor to transmit to you herewith, with a view to its being communicated to the United States government, a copy of a report made by Mr. Abel to the secretary of

state for war, with reference to the fuzes to which you called attention in your letter of the 4th ultimo, as having been found at Fort Fisher at the time of its capture.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Report of Professor Abel, the director of ordnance.

The fuzes to which this correspondence relates are an invention of mine, by which charges of gunpowder can be exploded through the agency of electricity, derived from other sources than voltaic batteries.

These fuzes, in their original form, were described in a report presented to the secretary of state for war, by Professor Wheatstone and myself, in November, 1860. The precise nature of the explosive material, upon which the success of these fuzes depended, and which has been modified from time to time, has never been communicated to government by me, nor have the fuzes ever been *officially* introduced into the service; but they are known to the authorities as Abel's fuzes, and have been for some time past employed in the proof of guns at Woolwich, in ballistic and other experiments carried on by the ordnance select committee, and occasionally in engineering operations.

No fuzes have ever been made in *my department* for other than experimental purposes of my own and of the royal engineer authorities. The small supplies required occasionally for the service have been furnished by the superintendent of royal laboratories.

After the fuzes became publicly known, and were found to have effected a considerable advance in the application of electricity to the explosion of gunpowder, a trade demand arose for them; and being urged to do so by Professor Wheatstone and other scientific friends, I recommended, in a minute to the chief clerk, date of 4th March, 1861—in papers 84 and 177—that a tradesman should be authorized to manufacture and sell them for industrial purposes and to foreign governments. Mr. Ladd, electrician, of Beak street, Regent street, was consequently authorized to trade in the fuzes, and he has from time to time received orders from telegraph companies, instrument makers, and other sources, for the different varieties of these fuzes, which are now used for firing the time-signal guns in the north, for blasting and other purposes.

Mr. Ladd has been instructed by one of my assistants, when improvements have been made in the fuzes; moreover, a man who works in my department has been occupied in his leisure, and *exclusively* at his own house, in making for Mr. Ladd the more delicate portions of the fuzes. My sanction need not have been given to this arrangement, which is of a perfectly private character between Mr. Ladd and the man in question, but it was requested and granted. Mr. Ladd was pledged to me not to impart to others, without my consent, the nature of the composition used in the fuzes; and if he received an order for fuzes, which it was desired to have constructed in any way differently from the ordinary patterns, he applied to me for the sanction for such a modification. I have received no account from Mr. Ladd of the nature of the individual orders which he has executed, and have never even examined his books with a view to ascertain the number sold by him, but I have received from him one statement of the total number which he had sold [up to the close of last year,] and upon the price of which he has paid me a percentage, as a kind of royalty.

It will be seen from the foregoing full statement of my connexion with Mr. Ladd that his business transactions in the matter of these fuzes have been entirely of an unofficial character, and that if at any time he had supplied fuzes to agents of the so-called Confederate States, he would simply, in his private capacity as a tradesman, have sold upon his own responsibility an article of trade of my invention manufactured by himself.

Mr. Ladd informs me, however, he is in a position to prove that he has never supplied any of the fuzes to parties acknowledging themselves or known to him to be agents of the Confederate States. He states that the only person now known to him to be connected with America to whom he has supplied fuzes is Colonel Shaffner, who purchased a small number some considerable time ago, but that at that time he had no reason to regard even that gentleman an agent of the confederate or of the American government. I need hardly point out that it would be impossible for Mr. Ladd to guard against supplying confederate agents at second or third hand with my fuzes, as is proved by the discovery in Fort Fisher of some of these, which, from their nature, must have been manufactured about two years and a half ago.

To meet the allegations that I had declined to sell to the United States government the secret of the nature of my fuze composition, and that I would not allow one hundred of the fuzes to be manufactured for that government, I submit the following statement:

In the beginning of January last a gentleman describing himself as Colonel Shaffner, of the United States army, called upon me. After leading the conversation to the fuzes of my invention, stating that he had also made some good fuzes, but that mine were superior, he hinted in a mysterious manner that he was anxious to negotiate with me for the sale through his agency to the United States government of the recipe of my fuze composition. I informed

him that I was not prepared to dispose of this recipe to any foreign government without the sanction of the secretary of state for war, but that if proper application were made to the latter, and the entertainment of his proposal were officially sanctioned, I might take into consideration such terms as he might submit to me. He left me with the impression that he would proceed in the manner suggested by me; but upon his calling again shortly afterwards he stated that he was not inclined to make the transaction an official one, as that must be done through his minister, and complained that he could not make such advantageous terms for himself as well as for me, if he were to adopt that course instead of purchasing the secret direct from me.

I told him that under any circumstances the transaction must receive the sanction of the secretary of state for war, and that if he liked to send a written proposal to me I would forward it to the war office. Upon this I had no further communication with Colonel Shaffner. No terms were proposed on either side, though he pressed me very much to name such as I would be prepared to accept. No mention was made at either of the interviews of the Confederate States, either in connexion with the fuzes or in any other way. In neither interview did Colonel Shaffner make any pretence of acting for the United States government. Indeed, my impression before he gave his real motive for not wishing to go to the United States minister was that in reality he was a confederate agent.

Shortly after these interviews Mr. Ladd informed me that the same gentleman had made proposals to him for the sale of the recipe in question, and showed me some forms of agreement which Colonel Shaffner had proposed should be entered into between them. I do not recollect the details of the proposed agreement, but I know that they at once convinced me that Colonel Shaffner was trying to obtain possession, in an ambiguous manner, of my recipe for his own advantage—that is, with a view of selling it to the United States government and probably to other governments. There was, however, I distinctly remember, a clause in one of the agreements, by which Mr. Ladd was to bind himself not to supply confederate agents with the fuzes.

I declined to sanction the sale of my recipe by Mr. Ladd to Colonel Shaffner, and the negotiation between them was, therefore, broken off. Mr. Ladd stated to me at the time Colonel Shaffner was much annoyed at this, and still endeavored, but unsuccessfully, to induce Mr. Ladd to negotiate with him by threatening him with an accusation that he had supplied my fuzes to confederate agents. Eventually Colonel Shaffner ordered of Mr. Ladd, not for the United States government, but for some private experimental purposes, one hundred of my fuzes, in which, however, he desired that the charge of gunpowder employed as priming should be mixed with a quantity of the igniting composition of which he had desired to obtain the recipe; his object, as stated by him, being to produce, by means of the fuzes, a larger body of flame for some special purpose which he had in view. Mr. Ladd applied to me, as usual, to know whether he might supply the fuzes thus modified; but as it was clear to me that Colonel Shaffner's sole object in ordering these fuzes was to obtain a comparatively large quantity of the secret composition, most probably with a view to its thorough chemical examination and subsequent imitation; I declined to allow Mr. Ladd to supply him with these special fuzes.

Mr. Ladd now informs me that, failing to obtain these fuzes, Colonel Shaffner then purchased, immediately before leaving England, one hundred and ten dozen of the cheapest form of my fuze, used for experimental purposes, from which he could extract the composition, or which he could readily convert into military fuzes. In complying with the desire of Earl de Grey and Ripon for a full explanation, I have been obliged to enter into greater details with regard to Colonel Shaffner's proceedings than, perhaps, their importance merits, so that the feelings may be rendered evident by which the latter has been actuated in bringing the accusation against me, which I am called upon to answer.

J. A. ABEL,
Chemist of the War Department.

Mr. Adams to Mr. Hunter.

No. 950.] LEGATION OF THE UNITED STATES,
London, May 11, 1865.

SIR: With regard to the despatch, No. 1348, from the department, bearing date the 10th of April, I have the honor to transmit copies of the notes which have passed between myself and Lord Russell, touching the subject of the late President's letter to the Queen on the resignation of Lord Lyons.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, April 25, 1865.
2. Lord Russell to Mr. Adams, April 28, 1865.
3. Mr. Adams to Lord Russell, April 28, 1865.
4. Lord Russell to Mr. Adams, May 3, 1865.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 25, 1865.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to inform the Earl Russell, her Majesty's principal secretary of state for foreign affairs, that he has received from his government a letter addressed by the President to her Majesty the Queen, in reply to one announcing the resignation of Lord Lyons as her Majesty's envoy extraordinary and minister plenipotentiary at Washington city, a copy of which the undersigned begs to enclose, with the request that Earl Russell will be so good as to indicate in what manner it will be most agreeable to her Majesty to receive the original.

The undersigned begs to renew to Earl Russell the assurances of his most distinguished consideration.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 28, 1865.

Earl Russell presents his compliments to Mr. Adams, and, in reply to his note of the 25th instant, requests he will be so good as to send the letter therein referred to to Lord Russell, in order that he may lay it before the Queen.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 28, 1865.

MY LORD: I have the honor to transmit to your lordship herewith, in compliance with the request contained in your note of this day, the original letter from the President to the Queen, in reply to that from her Majesty, announcing the resignation by Lord Lyons of the post of her Majesty's representative at Washington.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 3, 1865.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, in which you enclose the answer of the President of the United States to the Queen's letter notifying the recall of Lord Lyons from the post of her Majesty's envoy extraordinary and minister plenipotentiary at Washington, and I beg leave to acquaint you that I have not failed to lay the same before her Majesty.

I request you to accept the assurances of the highest consideration with which I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1400.] DEPARTMENT OF STATE,
Washington, May 15, 1865.

SIR: Symptoms of impatience have been noticed in Europe, occasioned by the President's proclamation of declaring certain ports in the late insurgent States closed to foreign commerce. That feeling, however, would, it is conceived, have no just foundation, if the rights of this government, or the trials through which the country has so recently passed, should be weighed in any degree of fairness. We claim the privilege, in common with other foreign powers, of designating the ports of the United States which shall be open to foreign commerce, of closing any which may have been previously open, and of opening others which may always or for a time have been closed to trade of that character. The right of this government to close, by an act of Congress, ports which are not in its possession and control, may be questionable, and, you are aware, has been disputed in Europe. It is conceived, however, that no such question can be reasonably entertained in respect to those ports which have passed from the dominion of the insurgents and where our flag now floats triumphant and undisputed.

All the ports previously open to foreign commerce will again be opened as soon as indispensable arrangements can be made for that purpose. This, however, must necessarily be a gradual process, and in adopting it, in regard to any one of them, regard must be had to the duty of the government toward foreigners, as well as to a disposition to remove any unnecessary shackles upon trade. More or less time is necessary for the choice of proper persons for custom-house officers in the ports referred to. Supposing, however, this impediment to have been surmounted, another certainly more important for the subjects of foreign powers might remain until the United States judiciary shall be restored in the proper districts: they must necessarily remain under the control of the military power, to which it is not advisable that foreigners should be subject in matters arising out of their business. It may, however, serve as a further answer to complaints in regard to this matter to say, that the ports referred to will be closed equally against United States vessels, and those other powers proceeding from ports of foreign countries.

Due diligence will be exerted toward removing this and all other unusual restrictions. In this we will be actuated by a proper regard to the interests of our own shipping as well as to that of other countries.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Hunter.

No. 951.] LEGATION OF THE UNITED STATES,
London, May 11, 1865.

SIR: As connected with the despatch No. 1309, of the 18th of March, from the department, and its enclosures from Mr. Kirkpatrick, which I submitted to the consideration of Lord Russell, I have the honor to transmit a copy of a note of his lordship of the 30th of May relative to that subject.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, May 3, 1865.
2. Mr. Kirkpatrick to Governor Rawson, February 23, 1865.
3. G. C. Anderson to Mr. Kirkpatrick, February 24, 1865.
4. Mr. Kirkpatrick to G. C. Anderson, February 24, 1865.
5. C. R. Nesbitt to Mr. Kirkpatrick, March 2, 1865.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 3, 1865.

SIR: You were good enough, on the 15th ultimo, to read to me a despatch which Mr. Kirkpatrick, the United States consul at Nassau, had addressed to Mr. Seward, referring to a rumor that vessels hitherto engaged in blockade-running were about to proceed to Havana, there to be fitted out as privateers, and under the United States flag to commit depredations upon British commerce.

I am happy to say that the reports received from the governor of Nassau, and from her Majesty's consul-general at the Havana, concur in not attaching any importance to this rumor. The latter officer, however, says, that thinking it not impossible that some of those vessels might be equipped as privateers to cruise against American trade, he had taken, in concert with his United States colleague and the Spanish authorities, such steps as it is believed will effectually prevent any such attempt from being successfully carried into effect.

The governor of the Bahamas has taken this opportunity of addressing to her Majesty's government a representation with reference to the tone adopted by Mr. Kirkpatrick in his communications with the colonial authorities.

It appears, from the correspondence of which I enclose copies, that Mr. Kirkpatrick, in a letter dated the 23d of February, called upon the governor to institute proceedings against Captain Maffit, then in port, as captain of the blockade-running ship Owl, for having enlisted men at Nassau in 1862, to serve on board the Oreto, or Florida. Mr. Kirkpatrick's letter reached the governor late on the same evening, but in the mean time Captain Maffit had left the port. As, however, it was possible that Captain Maffit might return to Nassau, the governor lost no time in instructing the attorney general to communicate with Mr. Kirkpatrick, for the purpose of obtaining the necessary information to enable him to act.

The information which had led to the consul's representation turned out to be a declaration taken before a notary on the 4th September, 1862, and had reference merely to the transshipment of guns and stores, and contained no evidence of enlistment.

The case did not, therefore, appear to be one in which proceedings could be taken, but the governor, nevertheless, instructed the attorney general that if the inquiries which he was directed to institute should yield any tangible proof of a violation of the law by persons within the jurisdiction of the courts of the colony, proceedings should be instituted.

The following are the comments of the governor upon this correspondence:

He observes, in the first place, that Captain Maffit arrived at Nassau in the Owl on the 31st January; that the consul must have been aware of his arrival; and that, as it must be presumed that the consul had long known of the existence of the document now produced after a lapse of two years and a half, it is strange that he should have abstained from making his representation until Captain Maffit was upon the point of leaving the port, and it was too late for the governor to act.

2. The consul alleges as the reason for his delay, that Captain Maffit had not been at Nassau at any other time when the witnesses could be obtained, but the governor observes that Captain Maffit was at Nassau for some days in January, 1863. At all events, the documents might have been produced in September, 1862, when the then consul of the United States had called attention to the arriving of the Oreto, and had in reply been invited to bring forward evidence. And the governor says, that as it was not then brought forward, the attorney general was, in his opinion, borne out in characterizing the charge as an old one, and in saying that under the circumstances he must require clear and positive evidence before proceeding against Captain Maffit.

The governor further observes, that the consul was not justified in complaining of the government for not acting upon such statements, still less in commenting upon the acts of the governor in a letter addressed to his subordinate officer.

3. The governor observes that the consul appears to think it a hardship and a cause of complaint that he should be called upon to furnish evidence in support of the charges which he brings forward, and that he should be asked to assist the government in prosecuting the inquiries which he has himself provoked; and the governor further observes that the consul does not appear to perceive the difference between the proceedings which the government can take against a suspected vessel, and the legal formalities by which it is bound in prosecuting a criminal charge against any person connected with it.

But the governor says, 4. That a still more objectionable proceeding on the part of the consul appears to be his practice of introducing into his correspondence irrelevant and unfounded accusations against the colonial government. The governor says that the consul

lately made a charge of this description with reference to the landing of boats from the United States ship-of-war Honduras, and that the charge is repeated in a different form in his letter to the attorney general of the 7th of February. The governor says he need scarcely enlarge upon the difficulty, on the one hand, of challenging such statements, without provoking an inconvenient and endless correspondence, and, on the other hand, of carrying on a correspondence with a consular officer who writes in this spirit and adopts this tone in his communications with a friendly government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Kirkpatrick to Governor Rawson.

UNITED STATES CONSULATE,
Nassau, February 23, 1865.

SIR: I have the honor to call your excellency's attention to a violation of the laws of her Majesty the Queen's dominions, by the enlistment of men within this colony by Captain Maffit, (now here as captain of blockade-running ship Owl,) having shipped men in this port for the rebel privateer Oreto, or Florida.

These enlistments took place after the trial in relation to that vessel was held, and two, at least, of the men thus enlisted are now in this city, and can be pointed out if desired. I understand, further, that there are affidavits of their own now in the possession of Mr. Dillet. The reason of this long delay is, that Captain Maffit has not been here at any other time when the witnesses could be obtained. He is understood to be ready to depart from here soon, and I would respectfully suggest that measures should be taken at once to vindicate the laws openly and notoriously violated in this instance.

I have, &c., &c.,

THOMAS KIRKPATRICK.

His Excellency RAWSON W. RAWSON, *Governor, &c. &c. &c.*

Mr. Anderson to Mr. Kirkpatrick.

ATTORNEY GENERAL'S OFFICE,
Nassau, February 24, 1865.

SIR: His excellency the governor has placed in my hands your letter of yesterday's date, and has instructed me to put myself in communication with you, in order to obtain the necessary information to enable me to act in reference to the matter brought by you under his excellency's notice.

I have therefore to request that you will furnish me with a detailed statement of your proofs, and the names of the witnesses who can be produced to sustain the same.

I have, &c.,

G. C. ANDERSON, *Attorney General.*

THOMAS KIRKPATRICK, Esq., &c., &c., &c.

Mr. Kirkpatrick to Mr. Anderson.

UNITED STATES CONSULATE,
Nassau, February 24, 1865.

SIR: I have the honor to acknowledge your favor of this day, asking me to "furnish you the evidence, with details of the matters submitted to his excellency the governor by me yesterday." Enclosed you will find copies of the affidavits taken at the time of the transaction, and Charles Jackson, esq., can point out the witnesses who are now here. I deeply regret that steps were not taken for the immediate arrest of the party before he left in the vessel this morning, or late last night, or when unofficially brought to your notice, as I understand it was yesterday morning; and regret also that the government had not felt called upon to vindicate their violated laws, without waiting for others less interested to call their attention to them, and then also be called upon to furnish evidence to prosecute for these violations; and I regret still more, that more simple and entirely harmless violations, (if violations at all,) when innocently committed by officers of the United States, have been made the subject of severe condemnation.

Notwithstanding, I am willing and desirous to furnish the government here with any information I may possess, and will say, in addition, that rumors are abroad, with how much truth I know not, that some of the parties recently engaged in blockade-running are about fitting a vessel or vessels at Havana, under American colors, to cruise against British vessels, under the hope, undoubtedly, that such an act would involve the two countries in war, and so aid the Confederate States. This information is said to have come from Captain Chabbourne, of

the American brig E. P. Secret, now in this port, and who is also said to have seen a commission from some confederate authority to fit out a schooner in this port to cruise and destroy American vessels.

I shall communicate the information relating to the rumor of fitting out vessels at Havano under the American flag to the consul of the United States there, that steps may be taken t frustrate the villains engaged in it, if found true.

I have, &c., &c.,

THOMAS KIRKPATRICK.

Hon. G. C. ANDERSON, *&c., &c., &c.*

Mr. Nesbit to Mr. Kirkpatrick.

COLONIAL SECRETARY'S OFFICE,
Nassau, March 2, 1865.

SIR: I am directed by his excellency the governor to acknowledge your letter of the 23d ultimo, calling his attention to a violation of the laws, on the part of Captain Maffit, by the enlistment of men within this colony.

Your letter reached his excellency at a late hour of the night of the 23d, after Captain Maffit had actually left the port. We lost no time on the following morning in placing it in the hands of the attorney general.

This officer has since submitted to his excellency your reply to his inquiries. Upon this it is only necessary to inform you that the document which you have supplied, dated so far back as September, 1862, furnishes no evidence of any enlistment of men by Captain Maffit.

With regard to the other information contained in this document, and in your letter to the attorney general, his excellency will take such steps as may appear to him to be fitting.

Among these will be the transmission of the correspondence to her Majesty's government, whose attention will be called to the irrelevant and unjustifiable accusations brought against this government in your recent letters both to the attorney general and myself.

I have, &c.,

C. R. NESBITT, *Colonial Secretary.*

THOMAS KIRKPATRICK, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Hunter.

No. 952.] LEGATION OF THE UNITED STATES,
London, May 11, 1865.

SIR: I have received from Lord Russell a note in reply to mine of the 7th of April last, a copy of which was transmitted to the department with my No. 927, of the 13th of April. Inasmuch as his lordship gives an official response to the two points of inquiry which I was instructed to propose, I send forward a copy of his note at once for the consideration of the President. Now that there seems to be very little left of the elements even of a *de facto* government in the insurgent States, the question raised is likely soon to expire by its own limitation. I perceive that in the House of Commons a question is about to be addressed to the government this evening relative to this subject. Should any reply of interest be elicited, I shall take care to furnish you a report of it.

In the note of Lord Russell he has thought it proper to expand the field of discussion by references to former events in a manner which appears to leave me no alternative to a reply. I am, therefore, now engaged in drawing up such a paper. This will leave entirely aside the two questions, the action upon which is of course reserved for the exclusive judgment of the government, and will relate only to the historical matter which has been brought into play. It will be impossible to get it prepared to send this week.

I am in hopes I shall be able to get a copy to you by the steamer of the next.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[Enclosure.]

Lord Russell to Mr. Adams, May 4, 1865.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May* 4, 1865.

SIR: I have had the honor to receive your note of the 7th of April, forwarding a copy of a letter addressed by the consul of the United States at Rio de Janeiro to his government upon the proceedings of a vessel called the Sea King, or Shenandoah, which vessel you state has since been heard of at Melbourne, whence details have been received of outrages committed by her on the commerce of the United States. You then proceed to say: "Were there any reasons to believe that the operations carried on in the ports of her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented, you would not have had to announce to me the fact that your government cannot avoid entailing upon the government of Great Britain the responsibility for this damage."

A British steamer, the City of Richmond, is next alluded to as having been allowed to take supplies from the port of London and to place them on board a French-built steam ram, known as the Stonewall; and you found, upon the circumstances to which you have thus alluded, a charge against Great Britain of not only not checking improper depredations on United States commerce, but of aiming at the destruction of the whole mercantile navigation belonging to the people of the United States; and while giving credit to her Majesty's government for endeavoring to check illicit proceedings of British subjects, you allege that the measures adopted in this respect by her Majesty's government have never proved effective, and that the evil of which you complain has its origin in the fact that her Majesty's government recognized the persons in arms against the United States as belligerents, and thereby improperly gave them a status which has led to a long continuance of hostilities; but as the ports held by them have fallen into the power of the United States, the President looked with confidence to a removal, by her Majesty's government, of this ground of complaint. You conclude by expressing a hope that the ships-of-war of the United States will be welcomed in British waters in the same friendly manner as has been heretofore customary.

Allow me to observe, in the first place, that I can never admit that the duties of Great Britain towards the United States are to be measured by the losses which the trade and commerce of the United States may have sustained. The question is not what losses the United States have sustained by the war, but whether in difficult and extraordinary circumstances the government of her Majesty have performed faithfully and honestly the duties which international law and their own municipal law imposed upon them.

Let me remind you that when the civil war in America broke out so suddenly, so violently, and so extensively, that event, in the preparation of which Great Britain had no share, caused nothing but detriment and injury to her Majesty's subjects, Great Britain had previously carried on a large commerce with the southern States of the Union, and had procured there the staple which furnished materials for the industry of millions of her people.

Had there been no war, the existing treaties with the United States would have secured the continuance of a commerce mutually advantageous and desirable. But what was the first act of the President of the United States? He proclaimed, on the 19th of April, 1861, the blockade of the ports of seven States of the Union. But he could lawfully interrupt the trade of neutrals to the southern States upon one ground only, namely: that the southern States were carrying on war against the government of the United States; in other words, that they were belligerents.

Her Majesty's government, on hearing of these events, had only two courses to pursue, namely: that of acknowledging the blockade and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the blockade and insisting upon the rights of her Majesty's subjects to trade with the ports of the south. Her Majesty's government pursued the former course as at once the most just and the most friendly to the United States.

It is obvious, indeed, that the course of treating the vessels of the southern States as piratical vessels, and their crews as pirates, would have been to renounce the character of neutrals and to take part in the war: nay, it would have been doing more than the United States themselves, who have never treated the prisoners they have made either by land or sea as rebels and pirates, but as prisoners of war, to be detained until regularly exchanged.

So much as to the step which you say your government can never regard "as otherwise than precipitate," of acknowledging the southern States as belligerents. It was, on the contrary, your own government which, in assuming the belligerent right of blockade, recognized the southern States as belligerents. Had they not been belligerents the armed ships of the United States would have had no right to stop a single British ship upon the high seas.

The next complaint (often repeated I must admit) is, that vessels built in British ports, and afterwards equipped with an armament sent from the British coast, have injured, and, according to your account, almost destroyed the mercantile marine of the United States.

Now, the only question that can be put on that subject is, whether Great Britain has performed faithfully the duties incumbent upon her. I must here ask you to recollect that our foreign enlistment act, as well as your foreign enlistment act, requires proof that the vessel has been, or is about to be, equipped or armed within our dominions for the purpose of assisting a state or a body of men making war on a state in amnesty with her Majesty. In

the case of the Alabama, which is always referred to as affording the strongest ground of complaint against her Majesty's government, the papers affording evidence of a design to equip the ship for the confederate service were furnished to me by you on the 22d, and more completely on the 24th of July, 1862. They were reported upon by the law officers on the 29th of that month. But on that very morning the Alabama was taken to sea on the false pretence of a trial trip.

I contend that in that case, as in all others, her Majesty's government faithfully performed their obligations as neutrals. It must be recollected that the foreign enlistment act, though passed in the year 1819, had never been actually put in force, and that it is still doubtful whether the evidence furnished by you on the 22d and 24th of July, though it was deemed a sufficient ground for detaining the Alabama, would have been found sufficient to procure a conviction from a jury, or even a charge in favor of condemnation of the vessel from a judge. Again I repeat, the whole question resolves itself into this: whether the British government faithfully and conscientiously performed their duties as neutrals, or whether they, from any motives whatever, were guilty of a grave neglect of those duties?

Upon this point it might be sufficient for me to appeal to the unprejudiced judgment formed and expressed at the time by Mr. Seward, after every material fact had been communicated to him by your despatches of the 25th and 31st of July and 1st of August, 1862. Writing to yourself on the 13th of August, 1863, he expressed the President's approval of the action which you had taken with respect to the Oreto and the Alabama, (then called No. 290,) and added, "you will, on proper occasion, make known to Earl Russell the satisfaction which the President has derived from the just and friendly proceeding and language of the British government in regard to these subjects."

In maintaining this view of our duties, I have the satisfaction of thinking that her Majesty's government were supported by some of the highest authorities of the United States. In 1815 a correspondence began between the ministers representing Spain and Portugal and the United States government respecting the practice of fitting out privateers in the ports of the United States, putting them under a foreign flag and cruising against Spanish commerce. In January, 1817, Señor Onis, Spanish minister at Washington, says:

"It is notorious that although the speculative system of fitting out privateers and putting them under a foreign flag, one disavowed by all nations, for the purpose of destroying the Spanish commerce, has been more or less pursued in all the ports of the Union, it is more especially to those of New Orleans and Baltimore where the greatest violations of the respect due to a friendly nation, and, if I may say so, of that due to themselves, have been committed; whole squadrons of pirates having been sent out from thence in violation of the solemn treaty existing between the two nations, and bringing back to them the fruits of their piracies, without being yet checked in these courses either by the reclamations I have made, those of his Majesty's consuls, or the decisive and judicious orders issued by the President for that purpose."

It does not appear that any compensation was ever made for any of these seizures.

But the remonstrances of Portugal are still more applicable. On the 8th of March, 1818, Señor J. Correa de Serra brought to the knowledge of the United States government the case of three Portuguese ships which had been captured by privateers fitted out in the United States, manned by American crews and commanded by American captains, though under insurgent colors, and he demanded satisfaction and indemnification for the injury which had been done to Portuguese subjects, as well as to the insult which had been offered to the Portuguese flag. To this letter the American Secretary of State, after reciting the complaint of the Portuguese minister, replied as follows:

"The government of the United States having used all the means in its power to prevent the fitting out and arming of vessels in their ports to cruise against any nation with whom they are at peace, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and pacific obligations of this Union, cannot consider itself bound to indemnify individual foreigners for losses by capture over which the United States have neither control nor jurisdiction. For such events no nation can in principle, nor does in practice, hold itself responsible."

The Secretary of State, who signed this despatch, bore a name most honorably known in the annals of the United States—the name of Adams.

The remaining events to be noticed in the history of the answers given by the United States to the complaints of Portugal during the wars of South America, and by Great Britain to the United States in the present war, may be recorded without any fear of comparison on the part of the government of her Majesty.

On the 20th of April, 1818, the amended act known as the American foreign enlistment act was passed.

On the 24th of November of that year, the Portuguese minister being asked by Mr. Adams to furnish a list of the names of the persons chargeable with a violation of the laws of the United States in fitting out and arming a vessel within the United States for the purpose of cruising against the subjects of his sovereign, and of the witnesses by whose testimony the charge could be substantiated, replied to the following effect:

"He had found with sorrow multiplied proofs that many of the armed ships which had committed depredations on the property of Portuguese subjects were owned by citizens of

the United States, had been fitted in ports of the Union, and had entered in several ports of the Union, captured ships and cargoes by unlawful means. Many of these citizens of the United States had the misfortune of believing that they did a meritorious action in supporting foreign insurrections, and offered great difficulties in the way of every prosecution instituted by a foreign minister. Prosecutions were ordered by the government of the United States, but did not appear to have had much effect in checking the depredations complained of."

In March, 1819, the Portuguese minister alleges that, in contrast to the Spanish insurgents who had ports and a long line of coast at their disposal, Urtegas, the chief whose flag was borne by United States privateers, was wandering with his followers in the inland mountains of Corrientes. "The Urtegan flag," he continues, "which has not a foot length of sea-shore in South America where it can show itself, is freely and frequently waving in the port of Baltimore. Urtegan cockades were frequently met with in that city in the hats of American citizens unworthy of that name."

In another note, dated the 23d of November, 1819, the Portuguese minister says: "I do justice to, and am grateful for, the proceedings of the executive, in order to put a stop to these depredations, but the evil is rather increasing. I can present to you, if required, a list of fifty Portuguese ships, almost all richly laden, some of them East Indiamen, which have been taken by these people during the period of full peace. This is not the whole loss we have sustained, this list comprehending only those captured of which I have received official complaints; the victims have been many more, besides violations of territory by landing and plundering ashore with shocking circumstances."

"One city alone on this coast," he says, "has armed twenty-six ships, which prey on our vitals, and a week ago three armed ships of this nature were in that port waiting for a favorable occasion of sailing for a cruise."

In July, 1820, the Portuguese minister proposed that the United States should appoint commissioners to confer and agree with commissioners of the Queen of Portugal, in what reason and justice might demand.

But Mr. Adams again says that for wrongs committed in United States territory, Portuguese subjects have a remedy in the courts of justice; "but for any acts of the citizens of the United States, committed out of their jurisdiction and beyond their control, the government of the United States is not responsible."

To this most just principle, which was again referred to Mr. Secretary Clayton, and maintained against the government of Portugal to this hour, the United States must be held still to adhere. No matter how many rich Portuguese ships were taken; no matter even what flag was borne by the vessels which took them; for these acts of the citizens of the United States, acting as the captains, officers and crews of those cruisers, the United States government declared itself not responsible. Nor was that government induced to depart from that ground by the urgent representations of the Portuguese minister, in his letter to Mr. Webster, of the 7th of November, 1850, "that by due diligence on the part of the government and the officers of the United States, the evil might have been prevented;" and that "the fitting out of these vessels was not checked by all the means in the power of the government; but that there was a neglect of the necessary means of suppressing the expeditions." With regard to Spain the case was somewhat different, as the United States had many outstanding claims against the government of Spain; and on the other hand, the claims of Spain were rested upon the interpretation placed by her on her treaty with the United States. The claims of the United States were used as a set-off against the claims of Spain on account of the depredations committed by the United States cruisers, commanded by United States captains, and in respect of other matters; and both orders of claims were renounced and abandoned by a treaty between Spain and the United States, concluded on the 22d of February, 1819.

Before I refer to the conduct of Great Britain during the present civil war, I must for a moment allude to an address of President Monroe, in regard to the South American insurrections.

"The revolutionary movement in the Spanish provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement." Such is the statement of President Monroe in his special message of the 8th of March, 1822. It must be acknowledged that in this country the gallantry of the people of the southern States, in their endeavors to give to those States an independent position in the world, excited a large amount of sympathy. It must be acknowledged, also, that the desire of large profits from the sale of cargoes induced many of the Queen's subjects to engage in blockade-running. But, on the other hand, it must be said that no British subject appears to have commanded a confederate cruiser, while United States citizens seem frequently to have acted as captains of the privateers which, under the flag of Buenos Ayres, or some other South American state, committed depredations on Spanish and Portuguese commerce. Nor was the vigilance of her Majesty's government at fault when, as in the case of the steam rams built at Birkenhead for a confederate agent, they were fully convinced that vessels-of-war were being constructed for purposes hostile to the United States. Indeed, so decided and so effective was the action of the government in detaining the vessels called the El Toussin and El Monassir, that it appears by the published parliamentary reports that a member of Parliament charged the government with having done, and with having done on their own confession, what was illegal and unconstitutional, without law, without justification, and without excuse. Un-

founded as that charge was, yet, coming, as it appears, from high authority, it is obvious that nothing but the intimate conviction that those vessels were intended for confederate vessels-of-war, that unless detained they would attempt to break the blockade of the United States squadrons, and that such an act might have produced the gravest complications, could have sustained the government under the weight of charges thus urged.

Let us compare this case, in which her Majesty's government detained and seized the ships, with that of the Shenandoah, to which you refer, in which they did not interfere.

The Shenandoah was formerly the Sea King, a merchant or passage steamship, belonging to a mercantile company. She was sold to a merchant, and soon afterwards cleared for China as a merchant ship. Not a tittle of evidence was ever brought before her Majesty's government by you or any one else to show that she was intended for the service of the confederates. Had it been alleged even that her decks were stronger than usual, apparently for the purpose of carrying guns, it might have been plausibly answered that the China seas abounded with pirates, and that guns were necessary in order to drive them off.

But it is said that guns and men were sent to meet a confederate vessel at sea. So far as guns are concerned, this is not an offence against our laws; nor am I aware of any authority in international law according to which the British government could be bound to prevent it. So far as men are concerned, they could not be interfered with without evidence of an intention or engagement to serve as confederate seamen, and no such evidence was ever offered to her Majesty's government. What if these guns and men were sent in a vessel which cleared for Bombay? Would it have been right for her Majesty's government, without evidence, to seize such a vessel? Would not proceedings thus unauthorized by law or by any legal grounds of suspicion have been loudly and universally condemned? It is true that arms were sent to the Olinde, a French vessel, and that the Sea King, having changed its character at sea, appeared afterwards as a confederate ship-of-war. But, in the words of Mr. Adams in 1818, "For such events no nation can in principle, nor does in practice, hold itself responsible."

With regard to the export of arms sent by individuals in this country to vessels on the high seas, it must not be forgotten that the government and courts of the United States have always upheld the legality of this traffic. On the subject of certain memorials of British subjects sent to the Secretary of State of the Unired States during the revolutionary war, Mr. Jefferson says, "We have answered that our citizens have always been free to make, send, or export arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries, with which we have no concern, would hardly be expected. It would be hard in principle and impossible in practice."

This, be it recollected, was not the opinion of Mr. Jefferson alone. He wrote by the direction of General (then President) Washington.

With respect to the alleged destruction of the mercantile navigation of the United States, it must be noted that it has been common to transfer Amerchant ships, without change of cargo or of crew, nominally to British owners, in order to avoid the higher rates of insurance payable during war. With peace, the mercantile marine of the United States will, I have no doubt, be at least as numerous as before.

I am happy to see that you declare yourself by no means insensible to the efforts which her Majesty's government have made, and are still making, to put a stop to such outrages in this kingdom and its dependencies, and that you cannot permit yourself to doubt the favorable disposition of the Queen's ministers to maintain amicable relations with the government of the United States; nay, further, you state that the avoidance of the gravest of complications "has been owing, in the main, to a full conviction that her Majesty's government has never been animated by any aggressive disposition towards the United States, but, on the contrary, that it has steadily endeavored to discountenance, and, in a measure, to check the injurious and malevolent operations of many of her subjects." The question, then, really comes to this: Is her Majesty's government to assume or be liable to a responsibility for conduct which her Majesty's government did all in their power to prevent and punish?—a responsibility which Mr. Adams, on the part of the United States government in the case of Portugal, positively, formally, and justly declined.

Have you considered to what this responsibility would amount? Great Britain would become thereby answerable for every ship that may have left a British port and have been found afterwards used by the confederates as a ship-of-war; nay, more, for every cannon and every musket used by the confederates on board any ship-of-war, if manufactured in a British workshop.

I now come to that part of your letter which relates to the future.

The late successes of the United States armies give us every reason to hope for a speedy termination of the war. In such case, the restrictions which have been imposed upon the vessels of the United States as belligerents will of course cease. In such case also it is to be presumed the cruisers and privateers of the confederates will be at once sold and converted into merchant vessels. But the present state of affairs does not allow me to speak with certainty upon this point.

The questions remain, however, first, whether the United States vessels-of-war will be now allowed to come into the harbors of her Majesty's dominions without other restrictions than

those usual in times of peace; and another question closely connected with it, namely, whether the confederates are still to be treated as belligerents.

My answers are the following: In regard to the first question, her Majesty's government are quite willing that vessels-of-war of the United States shall be treated in the ports of her Majesty in the same manner as her Majesty's vessels-of-war are treated in the ports of the United States, with this single exception, that if an enemy's vessel-of-war should come into the same port, the vessel which shall first leave the port shall not be pursued by its enemy until twenty-four hours shall have elapsed.

Before answering the second question I wish to know whether the United States are prepared to put an end to the belligerent rights of search and capture of British vessels on the high seas? Upon the answer to this question depends the course which her Majesty's government will pursue.

All that I can do further is to assure you that her Majesty's government, who have lamented so sincerely the continuance of this painful and destructive contest, will hail with the utmost pleasure its termination, and will view with joy the restoration of peace and prosperity in a country whose well being and happiness must always be a source of satisfaction to the sovereign and people of these realms.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Hunter.

No. 953.] LEGATION OF THE UNITED STATES,
London, May 11, 1865.

SIR: Among the addresses and resolutions which have of late been sent to me was one series of the latter, which I feel it my duty to make the subject of a particular despatch.

I enclose a copy of the note and of my reply. The original resolutions were returned with my note.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[Enclosures.]

1. J. H. Chadwick to Mr. Adams, May 10, 1865.
2. Resolutions of confederate aid associations, Manchester.
3. Mr. Adams's reply, May 11, 1865.

Mr. Chadwick to Mr. Adams.

SOUTHERN INDEPENDENCE ASSOCIATION,
26 *Market Street, Manchester, May* 10, 1865.

SIR: I am directed by the committee of this association to forward you the enclosed resolutions, and remain

Your obedient servant,

JOHN H. CHADWICK.

His Excellency Hon. CHARLES F. ADAMS, *London.*

Mr. Adams to Mr. Chadwick.

LEGATION OF THE UNITED STATES,
London, May 11, 1865.

The minister of the United States has received from Mr. Chadwick a note covering what purports to be a series of resolutions adopted by "the executive committee of the Southern Independence Association for the recognition of the Confederate States of America."

The minister is obliged to infer from this title that this is an association of British sub-

jects, who have had for their object the destruction of the government he has the honor to represent, by means of a measure that would involve the two nations in the horrors of war.

Under these circumstances, whatever may be the subject of the resolutions, the minister feels that he cannot, under a sense of what is due to his country, consent to receive any such communication.

The note and resolutions are accordingly herewith returned to Mr. Chadwick.

Mr. Adams to Mr. Hunter.

No. 954.] LEGATION OF THE UNITED STATES,
London, May 11, 1865.

SIR: I have the honor to transmit a large number of addresses and resolutions, occasioned by the late calamitous bereavement, in addition to those sent last week. It is altogether likely that there will be many more. The interest taken in the matter has been all but universal. A list of these papers is appended.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

W. HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Resolutions, addresses, and memorials for the United States government, from Great Bardfield, Local Board of Health, Wednesbury, Borough of Rochdale, Borough of Halifax, Burnley, Newport, Isle of Wight, Newcastle-upon-Tyne, Merchants' House of Glasgow, City of Chester, (one copy for the President, and one for the honorable Wm. H. Seward,) Kidderminster, Birmingham City, Liverpool Emancipation Society, Edinburgh Ladies' Emancipation Society, Burntisland, West Hartlepool, Hereford, Coventry, Ludlow, Dumfernline, Liverpool Mercantile Marine Association, Worcester, Colchester, Preston, (one copy for Andrew Johnson, and one for William H. Seward,) Borough of Liverpool, Inhabitants of Stewarton, Ayrshire, N. B., William Craig and others, Southampton, Borough of Walsall, County of Stafford, Argyle Square, Junior Members' Society, Inhabitants of Leeds, The O'Donohue and other Irishmen in London, City of Edinburgh, Rochdale, Frockheim, County of Forfar, Scotland, Strand, Paisley in Scotland, Town of Perth, Workingmen of the south of London, Burgh of Harwick, Bournemouth, Pudsey, near Leeds, Citizens of Manchester, Cupar-Fife, in Scotland, Mopley, near Manchester, (address to Andrew Johnson,, Deal in Kent, Stirling, Liverpool Chamber of Commerce, Hartlepool, (one copy for Andrew Johnson, and one for William H. Seward,) Halifax, County of York, Salt Chamber of Commerce, Norwich, Axbridge, Yeovil, Darlington, Friends and Emancipation, Harwick, Board of Health, Balsall Heath, St. Helens, Lancashire, Guernsey, Chamber of Commerce, County of Stirling, Atlantic Telegraph Company, Council of the Borough of Hastings, Antislavery Society of New Millns, Doitburn, Borough of Macclesfield, Borough of Llanidloes, Luton Board of Health, Oldham, Banbury, German National Verein, Workingmen of London, Paisley, to Andrew Johnson, La Loge des Gymmosophistes, Dumfries, Cuspar Fife, Lanarkshire, Grand Lodge of Freemasons of Ireland, Duke of Leicester, Grand Master, St. Martin in the Fields, Middlesex county, Heath, Lincoln, Tynemouth, Citizens of Bristol, Workingmen and women of Gateshead-on-Tyne, Kendall, Jedburgh, Bridgewater, Derby, Portsmouth, Stalybridge, Wolverhampton, Ramsgate, Financial Reform Association, Liverpool, Exeter, Ryde Commissioners, Grand Lodge of Scotland, Newark, Plymouth, Newport, Americans in Dundee, Chippenham, Wells county, Belfast, Falkirk, Carlisle, Heckmondwick, Bilston, Waterford, Ireland, Sligo in Ireland, Citizens of Waterford, Ancient Order of Forresters, Workingmen's Christian Association, Greenock, Salford, Berwick-on-Tweed, Rothesay, Stockton Corporation, Inhabitants of Stockton, Cardigan, Shrewsbury, Limerick, Blayden, Bolton, Maidstone, Newcastle-upon-Tyne, Hashingden, Sligo Union.

Resolutions, addresses, and memorials for Mrs. Abraham Lincoln, from Great Bardfield, Borough of Rochdale, Borough of Halifax, Newcastle-upon-Tyne, City of Chester, Kidderminster, Edinburgh Ladies' Emancipation, Manchester United Kingdom Alliance, West Hartlepool, Hereford, Dumfernline, Liverpool Mercantile Marine Service Association, Worcester, Colchester, Borough of Liverpool, Inhabitants of Stewarton, Ayreshire, N. B., Southampton, Borough of Walsall, County of Stafford, Argyle Square, Junior Members' Society, Inhabitants of Leeds, City of Edinburgh, Rochdale, Froockheim, County of Forfar, Scotland, Strand, Paisley in Scotland, Town of Perth, Workingmen of South London, Burg of Harwick, Citizens of Manchester, Mopley, near Manchester, Axbridge, Yeovil Board of Health,

Balsall Heath, St. Helens, Lancashire, Atlantic Telegraph Company, Borough of Macclesfield, Llanidoes, Luton Board of Health, Oldham, Banbury, Workingmen of London, La Loge des Gymmosophistes, Grand Lodge of Freemasons of Ireland, Duke of Leicester Grand Master, St. Martin in the Fields, Middlesex county, Heath, Lincoln, Tynemouth, Citizens of Bristol, Workingmen and women of Gateshead-on-Tyne, Cardiff, Merchants, Brokers, and others, Kendall, Jedburgh, Bridgewater, Derby, Portsmouth, Stalybridge, Wolverhampton, Ramsgate, Liverpool Financial Reform Association, Grand Lodge of Scotland, Newark, Plymouth, Americans in Dundee, Belfast, Carlisle, Heckmondwike, Bilston, Waterford, Ireland, Citizens of Waterford, Ancient Order of Forresters, Greenock, Salford, Rothesay, Stockton, County of Dunheim, Inhabitants of Stockton, Cardigan, Shrewsbury, Limerick, Blaydon, Bolton, Newcastle-upon-Tyne, Hathingdon, Sligo Union.

[For enclosures see Appendix, separate volume.]

Mr. Hunter to Mr. Adams.

No. 1401.] DEPARTMENT OF STATE,
Washington, May 15, 1865.

SIR: The recent announcement of the arrival of the insurgent ram Stonewall at Nassau, where it is reported she had been allowed to coal, and the possibility that she might proceed thence to some point on our coast, has naturally excited some uneasiness here. Actuated, in part, at least, by this feeling, the President has directed me to address to Sir Frederick W. A. Bruce the note upon the subject dated the 13th instant, a copy of which is enclosed.* Earl Russell will undoubtedly receive a copy from him. The subject, however, is deemed important enough for you to seek an interview in regard to it with the secretary of state for foreign affairs, is, as if possible, belligerent rights should not have been withdrawn from the insurgents before this instruction shall reach you. If, contrary to all reasonable expectation, those rights should still be continued to them, you will urgently and gravely remonstrate against this. You will add that this government, in view of the change of circumstances which has occurred, must be no longer expected to respect those rights on land or at sea; on the contrary, it must be expected henceforth to do whatever shall be necessary for the restoration of our national commerce, and its safe and competent protection. If collisions shall occur in doing this, we shall, in view of the changed condition of affairs in this country, to which I have already alluded, and of the ample and generous notice to the world in the proclamation of the President, a copy of which is herewith enclosed, deem ourselves to be morally justified and to be absolved from any consequences which might ensue from such a step.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1403.] DEPARTMENT OF STATE,
Washington, May 15, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 28th ultimo, No. 938, transmitting a copy of a note from Earl Russell which he addressed to you, giving the result of an investigation made at Bermuda on the character of certain steamers which had arrived there.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*See correspondence with British legation, current series.

Mr. Hunter to Mr. Adams.

No. 1404.] DEPARTMENT OF STATE,
Washington, May 16, 1865.

SIR: The military court convened to commence proceedings for the trial of the assassins and their accomplices on the 9th instant. Newspapers containing a report of the testimony have been forwarded to you by this mail.

The report comes to us in a credible form that the rebel General Taylor surrendered with his command to Major General Canby, on substantially the same terms accepted by Lee.

It appears that Johnston, on surrendering, turned over to the national forces one hundred and fifty cannons and nine thousand stand of arms.

On the 12th instant, Major General Wilson announced by telegraph the capture at Irwinsville, in Georgia, of the fugitive rebel chief, Jefferson Davis, who was surprised in camp by the 4th Michigan cavalry, under the immediate command of Lieutenant Colonel Pritchard.

I enclose for your information and guidance two copies of the President's proclamation of the 10th instant, in regard to insurgent cruisers, one copy of which you will communicate to the government to which you are accredited.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[Relative to insurgent cruisers, May 10, 1865.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the President of the United States, by his proclamation of the nineteenth day of April, one thousand eight hundred and sixty-one, did declare certain States therein mentioned in insurrection against the government of the United States; and whereas armed resistance to the authority of this government in the said insurrectionary States may be regarded as virtually at an end, and the persons by whom that resistance, as well as the operations of insurgent cruisers, was directed, are fugitives or captives; and whereas it is understood that some of those cruisers are still infesting the high seas, and others are preparing to capture, burn, and destroy vessels of the United States:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, hereby enjoin all naval, military, and civil officers of the United States, diligently to endeavor, by all lawful means, to arrest the said cruisers, and to bring them into a port of the United States, in order that they may be prevented from committing further depredations on commerce, and that the persons on board of them may no longer enjoy impunity for their crimes.

And I do further proclaim and declare, that if, after a reasonable time shall have elapsed for this proclamation to become known in the ports of nations claiming to have been neutrals, the said insurgent cruisers and the persons on board of them shall continue to receive hospitality in the said ports, this government will deem itself justified in refusing hospitality to the public vessels of such nations in ports of the United States, and in adopting such other measures as may be deemed advisable towards vindicating the national sovereignty.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this tenth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States of America the eighty-ninth.

[SEAL.] ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

Mr. Hunter to Mr. Adams.

No. 1405.] DEPARTMENT OF STATE,
Washington, May 16, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 28th ultimo, No. 940, transmitting addresses of the Union and Emancipation Society of Manchester, and, in reply, to inform you that your suggestion in regard to answering them is adopted.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Hunter.

[Extract.]

No. 956.] LEGATION OF THE UNITED STATES,
London, May 18, 1865.

SIR: * * * * * * * * * * * * * *

I am again called upon to forward a large number of addresses and resolutions from different parts of the kingdom, occasioned by the late painful events. A list of them is appended as usual.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Resolutions, addresses, and memorials for the United States government, from British and Foreign Anti-Slavery Society, London, Crail in Fifeshire, Oldham, Huntingdon, Sudbury, Carmarthen, Selkirk, Barnstable, Dumbarton, Brecon, Rhyl Improvement Commissioners, Ipswich, Liverpool Chamber of Commerce, Windsor, Inhabitants of Gateshead, Pollokshaus Council, Camden Town, Rochester, Lanark Town Council, Selkirk, Aberdeen, Convener Court, Selby, Pembroke, Newburgh, Musselburgh, Aberdeen Town Council, Partrick, Brechein, Inhabitants of Brighton, Northampton, Workingmen of Brighton, Borough of Lancaster—Council, Duncaster, Tewesbury, Stockport, Leominster, Scarborough, Saint Alban, Bristol Reform Club, Bury, Lancashire, Malden in Essex, Millfield, Peterboro', Kirkaldy, Reformed Presbyterian Manse Castle, Douglas, Scotland, Ashton-under-Lyne, Kilmarnock, Ayr, Bridlington and the Quay, Hadderfield Union and Emancipation Society, Inhabitants of Blackburn, Bridgworth, Dunham Rifle Volunteers, International Workingmen's Association, Swansea, Margate, Morpeth, Dundee, Inhabitants of Dundee, Corporation of Kendall, Swansea Workingmen's Institute, Inhabitants of Carlisle, Town Council of Oxford.

Resolutions, memorials, and addresses to Mrs. Abraham Lincoln, from City of Edinburgh, Ladies of the Emancipation Society of London, Emancipation Society, London, British and Foreign Anti-Slavery Society, London, Oldham, Carmarthen, Selkirk, Barnstable, Dumbarton, Rhyl Improvement Commissioners, Ipswich, Inhabitants of Gatehead, Council of Pollokshaus, Camden Town, Lanark Town Council, Selby, Pembroke, Newburgh, Musselburgh, Partrick, Inhabitants of Brighton, Northampton, Workingmen of Brighton, Borough of Lancaster, Doncaster, Tewkesbury, Leominster, Scarborough, Bury, Lancashire, Malden in Essex, Millfield, Kirkaldy, Reformed Presbyterian Manse Castle, Douglas, Scotland, Ashton-under-Lyne, Kilmarnock, Ayr County, Bridlington and the Quay, Haddersfield Union and Emancipation Society, Inhabitants of Blackburn, Bridgnorth, Temple Discussion Forum, Swansea, Dundee, Inhabitants of Dundee, Corporation of Kendall, Swansea Workingmen's Institute, Inhabitants of Carlisle, Town Council of Oxford.

[For enclosures see Appendix, separate volume.]

Mr. Adams to Mr. Hunter.

No. 957.] LEGATION OF THE UNITED STATES,
London, May 18, 1865.

SIR: The officers of the two great universities have taken the course of addressing me, as the national representative here, on the occasion of the late deplorable event, rather than that most commonly adopted. The whole proceeding is extraordinary; and marks, perhaps more than any other single event, the profound impression that has been made in this kingdom by the crime.

As it is obvious that the desire is that these acts should receive publicity in the United States, I have the honor to transmit copies of all the papers, including my letter of acknowledgment.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

The Chancellor of Oxford to Mr. Adams.

ST. JAMES SQUARE, *May* 6, 1865.

SIR: As chancellor of the University of Oxford, I have the honor of transmitting to you an address under the seal of the University, unanimously adopted by convocation, expressive of their condolence with the government and the people of the United States on the calamity which has recently befallen them in the assassination of the President; their abhorrence of the act of the assassination; their friendly feeling towards a kindred nation, and their earnest prayers for the restoration of peace and national prosperity to your now suffering country. It is, I hope, unnecessary for me to assure your excellency of my entire personal concurrence in the sentiments of which I am made the official organ; but the departure on this occasion, by the University, from its almost invariable practice, will afford an additional proof, if any were required, of the strength and genuineness of the feelings which this atrocious crime and lamentable catastrophe have evoked from all classes, and all shades of political opinions, from the sovereign downward, throughout the whole of the United Kingdom.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

DERBY.

His Excellency Hon. CHARLES FRANCIS ADAMS,
Minister of the United States.

ADDRESS,

To his excellency the envoy extraordinary and minister plenipotentiary of the United States of America.

MAY IT PLEASE YOUR EXCELLENCY:

We, the chancellor, masters, and scholars of the University of Oxford, request your excellency to convey to the government and people of the United States of America the assurance of our sincere condolence on the occasion of the appalling calamity which has recently befallen your country.

It is not the practice of this University to notice, in its corporate capacity, events which do not directly affect the well-being of our own country; but at this singular and lamentable crisis we are conscious of the full force of those recollections of the past which must at all times lead the British nation to regard, with a community of interest, the fortunes and destinies of a friendly and a kindred people. In accordance with these sentiments, it is the anxious desire of the university to express to your excellency the abhorrence with which we, together with the whole civilized world, regard the assassination of the President of the United States. We would also at the same time express, in common with all ranks of our

countrymen, our earnest hope that by the orderings of a merciful Providence the American people may speedily enjoy the restoration of internal peace and national prosperity.

[L. S.] Given at our house of convocation, under our common seal, this fifth day of May in the year of our Lord God 1865.

Mr. Adams to the Chancellor of Oxford.

LEGATION OF THE UNITED STATES,
London, May 8, 1865.

MY LORD: On behalf of my country, I receive with the most profound sensibility the intelligence which, as chancellor of the University of Oxford, you communicate respecting the extraordinary action it has taken in regard to the late afflicting event in America.

That the high standard of education established in that University should excite a strong abhorrence of the act of the assassin, in the present case, is no more than could be naturally expected; but that the authorities should resort to an unusal method of expressing their sense of it, and at the same time couple with it the most friendly wishes for the restoration of peace and prosperity to America, is a circumstance which cannot fail to be fully appreciated, as well as to stimulate good will among the people of the United States.

I have the honor to be, your obedient servant,

CHARLES FRANCIS ADAMS.

The EARL OF DERBY, *&c., &c., &c.*

The Chancellor of Cambridge to Mr. Adams.

DEVONSHIRE HOUSE, *May* 12, 1865.

SIR: It is my agreeable duty, as chancellor of the University of Cambridge, to transmit to your excellency the enclosed letter expressing the indignation of the University at the assassination of President Lincoln, and its sympathy with your countrymen on the loss they have sustained.

I have the honor to be, sir, your excellency's most obedient servant,

DEVONSHIRE.

His Excellency the MINISTER OF THE UNITED STATES.

ADDRESS,

To his excellency the Honorable Charles Francis Adams, minister of the United States of America at the court of her Majesty the Queen of Great Britain and Ireland.

SIR: We, the chancellor, masters, and scholars of the University of Cambridge, desire to assure you, as the representative in this country of the United States of America, that we cordially share those sentiments of indignation and abhorrence which have been called forth throughout England by the intelligence of the assassination of President Lincoln. Removed as we are from the arena of political discussion, we still cannot forbear to say, that crimes of this nature are essentially opposed to the interests of peace and civilization. The circumstances of peculiar atrocity which characterized the murder of President Lincoln must ever stigmatize it as a most foul blot on the history of our times.

We beg leave to request your excellency to make known in some suitable manner to your countrymen this respectful tribute of our sympathy and condolence with them on the great loss which they have sustained.

[L. S.] Given under our common seal, in our senate-house at Cambridge, this eleventh day of May, in the year of our Lord 1865.

Mr. Adams to the Chancellor of Cambridge.

LEGATION OF THE UNITED STATES,
London, May 15, 1865.

MY LORD DUKE: I have the honor to acknowledge the reception of your note of the 12th instant, and of the official letter therein referred to from the chancellor, masters, and scholars of the University of Cambridge, expressive of their indignation at the assassination of the President of the United States, and of their sympathy and condolence with my countrymen in the loss they have sustained. I shall seize the earliest opportunity to make known to them the substance of this communication, which, coming as it does from one of the great sources of moral and political instruction in this kingdom, cannot fail to be received in the kindest spirit, and remembered with most affectionate cordiality.

I have the honor to be, your obedient servant,

CHARLES FRANCIS ADAMS.

His Grace the DUKE OF DEVONSHIRE, *&c., &c., &c.*

Mr. Adams to Mr. Hunter.

No. 960.] LEGATION OF THE UNITED STATES,
London, May 18, 1865.

SIR: I have the honor to transmit a copy of the London Times of Tuesday, containing a report of the answers made by ministers in both houses to inquiries made respecting the withdrawal of the recognition of belligerent rights from the rebels. The argument is feeble enough in both cases; but as it makes now very little difference what may be the course taken, all that I can add is to regret that what would have appeared to be a manly and frank retraction of an originally hasty step, had not been spontaneously offered in season to give it value in conciliating good feelings for the future.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[From the London Times of May 16, 1865.]

HOUSE OF LORDS, *Monday, May* 15.

BELLIGERENT RIGHTS.

Lord HOUGHTON said that it was now just four years since the government, by order in council, recognized as belligerents the so-called Confederate States of America, and he now rose for the purpose of asking the noble lord the secretary for foreign affairs the question of which he had given notice, namely, whether, in the presence of events which had recently occurred, it was the intention of the government to withdraw that recognition. It would seem that such withdrawal would necessarily follow from the conclusion of the calamitous war in America; but he was bound to add that he was afraid that they could not technically say that the war in America was at an end, for he held in his hand an important opinion of the Attorney General of the United States, given about three weeks ago, to the effect that the capitulation between General Grant and General Lee determined that the southern States were still to be regarded as belligerent. Under these circumstances, if the war was one entirely carried on by land, it would be difficult for England to withdraw the recognition of the southern States as belligerents; but he was now regarding the matter as one affecting this country as a naval power solely. It was only as a naval power that we had occasion to act at all in the matter. He inferred that the concession of belligerent rights to the south by this country was supposed to follow necessarily from the blockade of the south by the north; because when a government wished to prevent the ships of a neutral power from approaching its ports, and at the same time did not wish that any belligerent rights should grow out of that act, it simply closed its ports and did not establish a blockade. It appeared to him that though this blockade had not been formally raised, yet, those ports having been closed by the supreme authority of the United States, that authority reasserted its full power there. It was the question of the ports and of the sea which had led us to consider the question of the belligerent rights, and therefore he should be glad if the foreign secretary were able to say that, now the ports were closed by supreme authority, the government of the United States having recovered its power over that territory, and now that we might entertain a hope of peace, there would be no difficulty whatever in cancelling the order in council by which the so-called Confederate States were declared belligerents.

Earl RUSSELL. I very much regret two circumstances connected with this question; the one being the terms in which my noble friend has placed his question upon the table of the house, and the other the particular time at which he has thought fit to ask it. [Hear, hear.] With regard to the first, my noble friend asks "whether it is the intention of the government, after the events which have lately occurred in the United States, to withdraw the admission of belligerent rights conceded to the so-called Confederate States." Now, it was not a question of concession at all. It was a simple question of fact. [Hear.] If peace exists throughout the United States of America the government of the United States will, by treaty and by the natural effect of the law of nations, allow our merchant ships to go into their ports and there trade. If, on the contrary, a state of war exists, in that case they will blockade the ports and exercise belligerent rights. Now, what were the facts here? When a war is going on between two separate nations, as a few years ago was the case between Austria on the one hand and France and Italy on the other, both the belligerents assert belligerent rights, and her Majesty properly issues thereupon a proclamation of neutrality. But, instead

of a war, there may be an insurrection. That insurrection may be a trivial one, and carried on entirely in the interior of the country; or it may be of such vast extent as to amount really to a war. Now that question might have been a difficult one for us to decide; but the United States government really decided it when the President of the United States, on the 19th of April, 1861, issued a proclamation by which he decreed that all the ports of seven States of the Union should be blockaded, and thereby put the United States in possession of belligerent rights. [Hear, hear.] When the President of the United States did that he left her Majesty's government but two courses to pursue: either to acknowledge the blockade, and thus to acknowledge a state of war, or to decide that the blockade should not be acknowledged, and that her Majesty's government would not concede belligerent rights to the United States, which would of course have led to war between this country and the United States. [Hear, hear.] The first was the course pursued; but in pursuing that course it was impossible we should say that there was no power with which war was carried on by the United States. There cannot be a war which is carried on by one party only. In point of fact, as we all know, there was a war between a body of persons, calling themselves the Confederate States of America on the one hand, and the President of the United States on the other. From the moment, then, that we acknowledged this blockade of southern ports by the President of the United States, it was not we who conceded belligerent rights; it was the President of the United States, who declared himself in possession of belligerent rights, who declared himself possessed of the right to carry on war, which is only the English for belligerent rights, and thereby obliged us to come to a decision one way or the other. [Hear, hear.] Had it been otherwise, the President of the United States could not have ordered the navy of the United States to stop ships of this country on the high seas. No power has contended more strenuously than the United States that there can be no right of search extending over vessels on the high seas in time of peace. But that is the power which the United States have exercised, and that is the right which her Majesty acknowledged. [Hear.] Her Majesty did not concede belligerent rights, but recognized the state of facts which the President of the United States himself declared, and followed this by a proclamation of neutrality in the war which was then being carried on. That war, as my noble friend stated, has been carried on during four years. And I now come to my second objection to the question of my noble friend, namely, that he has asked it at a most unfortunate time, [hear, hear,] because it is very difficult to say exactly what the state of affairs is at the present moment. My noble friend himself evidently does not know the state of facts, because he says that, instead of blockading the ports, the President of the United States has closed the ports. The opinion of her Majesty's law officers is, that the government of the United States may lawfully close the ports, which are in possession of the United States authorities, and that within the waters of the United States, within three miles of the shore, they may forbid any neutral merchantman from entering those ports. But the authority of the United States does not extend to the port of Galveston. So far as we know by the latest accounts we have received, that port is still completely in the possession of the confederates. With regard, therefore, to that port, the power exercised by the United States must be the power of blockade, and not the power of closing the ports. Then comes the other question, namely, whether the United States still continue to maintain the right of search over merchant vessels upon the high seas. The United States' authorities during the last four years have exercised belligerent rights in that respect, and have exercised them with very great severity. [Hear, hear.] I do not know any case in which the right of search, of capture of vessels, and imprisonment of crews, has been exercised with greater severity by a belligerent than it has been exercised by the United States—perhaps not with as great severity. [Hear, hear.] As to the question of what we are about to do, and whether this belligerent right on the part of the United States is to continue or not, it will be impossible for her Majesty to consent that vessels belonging to British subjects, and bearing the British flag, should be searched upon the high seas, and that at the same time we should admit that no war is going on. [Hear, hear.] It is impossible that we should allow the United States to exercise a belligerent right, and at the same time allow that a state of complete peace exists, and that everything else is to go on as usual with regard to the United States. My noble friend knows that one of the earliest international text-books is a work *De Jure Belli et Pacis*. There is the *jus belli*, and there is also the *jus pacis*. They are two distinct things, and you have both existing together. We are anxious to ascertain, and we have asked the government of the United States, what is the present state of the case. A little while ago the United States' government proposed that federal ships-of-war should be allowed to enter her Majesty's ports without restriction. We have answered that, with regard to the requisition that a vessel-of-war should leave her Majesty's ports either in the colonies or the United Kingdom within twenty-four hours, it was not necessary to keep up that restriction: but, before anything further was determined with regard to confederate vessels-of-war, we wished to know whether the United States intend to maintain and exercise their belligerent rights, or whether they give up altogether the right of searching and examining, of detaining and capturing, British merchant vessels on the high seas. [Hear, hear.] Until that question is answered I do not feel competent to give any answer to my noble friend. [Hear.] We must first ascertain whether the United States is at war with any power whatever. Let them retain the belligerent right if war continues, but if there is no war, and if peace exists, let them abandon that

right. [Hear, hear.] When I obtain an answer on this point from the government of the United States I shall probably think it necessary to apply again to the law officers of the Crown, but meanwhile I do not know that I can give any better answer than has been given by the Spanish government to the United States. The Spanish government was asked by the United States to cease to allow belligerent rights to the confederates, and their answer was that these belligerent rights were consequent upon the existing state of facts; that while war continued the powers of Europe generally had agreed to acknowledge the rights of both parties, but that when the war ceased those rights would cease of themselves, and that it was not necessary to give any further answer. This is my reply to my noble friend. I cannot give him any further answer for the present; but I rejoice sincerely at the termination of the war, so far as it has yet terminated, and I trust that the United States will soon obtain and will long enjoy the blessings of profound peace. [Hear, hear.]

LORD HOUGHTON: Am I to understand that if by some act of the United States the war is declared to be at an end, the concession of belligerent rights to the so-called Confederate States will fall to the ground without any formal act of her Majesty's government?

EARL RUSSELL: All I can say is this, that when the case arises her Majesty's government will take the opinion of the law officers of the Crown upon it. [Hear, hear.]

The subject then dropped.

HOUSE OF COMMONS, *Monday, May* 15.

BELLIGERENT RIGHTS OF THE CONFEDERATE STATES.

Mr. WHITE asked the first lord of the treasury whether the government had determined to withdraw its recognition of the belligerent rights of the so-called Confederate States of America?

LORD PALMERSTON, who was received with loud and general cheering, rose to answer the question. The noble lord carried his right arm in a sling, but otherwise looked remarkably well, and spoke with fully his usual animation and vigor. He said the course of transactions with regard to belligerent rights of the two parties has been this. The President of the United States issued a proclamation declaring a strict blockade of all the coasts and certain ports in the southern confederacy, in accordance, as he stated, with the law of nations. Now, a blockade is, according to the law of nations, a belligerent right, which can only accrue to a State which is at war. The fact of the President of the United States declaring a blockade in accordance with the law of nations gave him, according to that claim, all those rights which belong to a belligerent declaring a blockade—the right of capture, condemnation, and the right of search with regard to neutral vessels. The British government had but one of two courses to pursue—either to refuse to submit on the part of British vessels to those belligerent rights, on the ground, which might have been assumed, that there was no formal belligerent on the other side. That was not thought expedient, and therefore the only course to pursue was to acknowledge and submit to these belligerent rights. But that necessarily involved the acknowledgment that the other party was also a belligerent and entitled to the rights of a belligerent. [Hear, hear.] Whenever the government of the United States shall declare that it ceases to exercise with regard to neutrals those rights of search, capture, and condemnation which belong to belligerents, then the war, as far as neutrals are concerned, ceases, and there will be no acknowledgment of belligerents either on one side or the other. [Hear hear.]

Mr. Adams to Mr. Hunter.

No. 962.] LEGATION OF THE UNITED STATES,
London, May 19, 1865.

SIR: I have the honor to transmit herewith copies of a correspondence between Earl Russell and the lords commissioners of her Majesty's treasury, just published in the newspapers, revoking the order of his lordship of 31st January, 1862, regulating the visits of United States ships-of-war to British ports.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WM. HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[Correspondence between Earl Russell and the lords commissioners of her Majesty's treasury.]

"TREASURY CHAMBERS, *May* 12, 1865.

"GENTLEMEN: With reference to previous correspondence, I am commanded by the lords commissioners of her Majesty's treasury to transmit to you herewith, for your information

and guidance, a copy of a letter from the Foreign Office, dated 11th instant, in regard to a modification of the regulations for the treatment of war vessels belonging to the belligerent States in North America which may arrive at ports in her Majesty's dominions.

"G. A. HAMILTON.

"The COMMISSIONERS OF CUSTOMS."

[Copy of letter referred to.]

"FOREIGN OFFICE, *May* 11, 1865.

"MY LORDS: I have the honor to acquaint your lordships that in the existing state of the civil war in America, and the uncertainty which may be felt as to its continuance, it appears to her Majesty's government that the time has arrived for ceasing to enforce so much of the orders which, in pursuance of my letter of the 31st January, 1862, were issued by the several departments of her Majesty's government, as empowered the authorities of any port belonging to her Majesty, either in the United Kingdom or in the Channel islands, or in any of her Majesty's colonies, or foreign possessions or dependencies, to require any ship-of-war or privateer of either belligerent which might enter any port, roadstead, or waters belonging to her Majesty, in order to obtain provisions or things necessary for the subsistence of her crew, or to effect repairs, to put to sea as soon as possible after the expiration of a period of twenty-four hours, without permitting her to take in supplies beyond what might be necessary for her immediate use, and not to suffer any such vessel as might have been allowed to remain within British waters for the purpose of repair, to continue in any port, roadstead, or waters, belonging to her Majesty for a longer period than twenty-four hours after the necessary repairs should have been completed, and also so much of the same orders as limited the quantity of coal, and the period within which it might be obtained, to be embarked on board any such ship-of-war or privateer of either belligerent.

"I have addressed a similar letter to the secretaries of state for the home, colonial, war, and India departments, and the lords commissioners of the admiralty.

"I have, &c.,

"RUSSELL.

"The LORDS COMMISSIONERS OF HER MAJESTY'S TREASURY."

"CUSTOM HOUSE, *London*, *May* 13, 1865.

"The aforegoing copy of a letter from Mr. Hamilton, one of the secretaries to the lords of the treasury, dated 11th instant, together with copy of the letter from the Foreign Office therein referred to, is transmitted to the collector at ———— for his government.

"By order of the commissioners,

"J. B. HALE."

Mr. Hunter to Mr. Adams.

No. 1410.] DEPARTMENT OF STATE,
Washington, *May* 19, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 4th instant, No. 944, transmitting a number of addresses and resolutions from various public meetings of the residents of Great Britain, expressive of their sympathy for Mrs. Lincoln, the widow of the late President, to whom they will be communicated.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary*.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Hunter to Mr. Adams.

No. 1412.] DEPARTMENT OF STATE,
Washington, *May* 19, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 4th instant, No. 943, transmitting a copy of the proceedings of a meeting called by you

on the first of the present month at St. James Hall, in conformity with a request of the American residents in London, to enable them to give expression to their feelings on the occasion of the lamentable death of the late President; also a number of addresses, resolutions, and memorials, upon the same subject, which you have received from various corporate bodies in England, Scotland, and Ireland. Your suggestion in regard to the manner of responding to these demonstrations is approved by this department, and your course is highly commended.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1413.] DEPARTMENT OF STATE,
Washington, May 19, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 4th of May, No. 942, transmitting a copy of the correspondence between yourself and Earl Russell on the occasion of the death of the late President of the United States, together with a copy of the London Times, containing a full report of the action of both houses of Parliament, praying her Majesty to take suitable notice of the recent calamitous event; also a circular which you addressed to the United States consuls, announcing the assassination of President Lincoln, prescribing a form of mourning to be adopted by them on the sad occasion. Your proceedings indicated therein are fully approved.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

DEPARTMENT OF STATE,
Washington, May 22, 1865.

SIR: The honorable Sir Frederick Bruce has left with me a copy of a despatch addressed to him on the 28th ultimo by Earl Russell upon the receipt in England of the intelligence of the assassination of President Lincoln and the attempts upon the lives of the Secretary and Assistant Secretary of State, in which Sir Frederick is requested to convey to the government of the United States the assurance that the government, the Parliament, and the nation are affected by unanimous feelings of abhorrence of the criminals guilty of these cowardly and atrocious crimes, and sympathy with the government and people of the United States in their affliction, and stating that notice has been given in both houses of Parliament of addresses to be moved by ministers of the Crown expressing, in a formal shape, these sentiments. I must request you to convey to Earl Russell, in reply, an assurance that these prompt and unqualified expressions of the feeling inspired by the horrible deeds adverted to will not fail to be received by the American people, as they have been by the executive government, with the most grateful emotions.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Communicated by the British legation, and referred to in the above despatch.]

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *April* 28, 1865.

SIR: It is impossible to describe the sentiments of horror and indignation which have been inspired by the sad intelligence from Washington. Her Majesty has directed me to express her sincere condolence with the families of the late President and of Mr. Seward under their present afflictions.

It is my duty to request that you will convey to the government of the United States the assurance, that the government, the Parliament, and the nation are affected by a unanimous feeling of abhorrence of the criminals guilty of these cowardly and atrocious crimes, and sympathy for the government and people of the United States, thus deprived of those to whom they looked for authority in administration and wisdom in council.

Notice has been given in both houses of addresses to be moved by ministers of the Crown expressing in a formal shape the sentiment of sorrow and indignation felt by Parliament on this sad occasion.

I am, &c., RUSSELL.

Hon. SIR FREDERICK BRUCE, *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1414.] DEPARTMENT OF STATE,
Washington, May 22, 1865.

SIR: I enclose a [sealed] letter addressed to her Majesty the Queen of Great Britain by Mrs. Lincoln, in reply to a letter of condolence upon the death of the late President, and received through the minister of Great Britain here. I will thank you to cause the enclosed communication to be forwarded to its destination through the proper channel.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1417.] DEPARTMENT OF STATE,
Washington, May 22, 1865.

SIR: Your despatch of the 21st ultimo, No. 933, expressive of your sympathy with the Secretary of State upon the occasion of the accident which befel him on the 5th of last month, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1418.] DEPARTMENT OF STATE,
Washington, May 22, 1865.

SIR: There are no events of sufficient importance to mention since the last weekly summary, that are not clearly stated in the official bulletin of the War Department published in the Chronicle newspaper, the files of which are now regularly forwarded to all of our legations. The Stonewall at last advices was at Havana, and energetic measures have been adopted with a view to her capture or destruction.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[Same, *mutatis mutandis*, to all our principal ministers in Europe.]

Mr. Hunter to Mr. Adams.

No. 1419.] DEPARTMENT OF STATE,
Washington, May 22, 1865.

SIR: I transmit herewith, for your information, a copy of a note of this date addressed to Mr. Tassara, the Spanish minister, relative to the proceedings of the piratical cruiser Stonewall.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, May 22, 1865.

The undersigned, Acting Secretary of State of the United States, has received the note of Mr. Tassara, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, of the 18th instant, with reference to the insurgent ram Stonewall, which, pursuant to the latest intelligence, was harbored at Havana, in the island of Cuba.

While making due allowance for the consideration of the rapidity with which important events have succeeded each other, as Mr. Tassara has so judicially remarked, adverse to the parties in whose behalf the Stonewall has gone forth to ravage the commerce of the United States, nevertheless, the undersigned cannot refrain from expressing regret that her Catholic Majesty's government, after having, as is believed, so long ago as the 18th of April last, been made acquainted with the views of the government of the United States with reference to the shelter, repairs, and supplies which were furnished to that vessel at Ferrol, should not have appreciated the sensibility of this government enough to have taken measures towards thwarting her, at least, in seeking similar hospitality in other Spanish ports. If, as is believed, her Catholic Majesty's government was well informed of the course of events in this quarter, that information would, even while the Stonewall was at Ferrol, have not only justified, but, in the opinion of the undersigned, might have incited that government to give signal proof of the sincerity of its regard to the United States by requiring its authorities in other quarters to refuse to receive or to entertain that vessel. Contrary, however, to this just expectation, the Stonewall subsequently proceeded to Teneriffe, where also she was hospitably received, and afterwards went to Havana, her last known place of refuge.

Under these circumstances, and in view of the fact that the persons calling themselves president, vice-president, and president of the senate of the so-called Confederate States are now held as prisoners by this government, and that thereby, in connexion with other recent well-known occurrences, all pretence of belligerent rights has been swept away from the authority which they claim to represent, the undersigned is directed to announce to her Catholic Majesty's government, as well as to all other parties concerned, that if, after this communication may be delivered and shall have reached the government of Spain, or of any of her dependencies, the Stonewall, or any other war vessel flaunting the flag of the insurgents in this country, shall be received or allowed to remain in Spanish ports or waters with the knowledge or consent of the authorities of those ports, henceforth no naval vessel of Spain will be received in a port of the United States, and this government will deem itself warranted in taking all the measures which the peace and safety of the United States demand, by ordering the destruction of the insurgent vessels aforesaid, as the nature of the occasion and its exigencies might require.

Always desiring to preserve peace with Spain, this government cannot but foresee that the toleration extended and conferred towards pirates may result in deplorable differences and collisions.

Mr. Tassara, however, as well as her Catholic Majesty's government, are requested to understand that the determination of this government now herein announced does not imply or import any hostility, or even any unfriendliness, towards Spain. On the contrary, the course which it is thus announced will hereafter be adopted and pursued in relation to Spain, will also be adopted in regard to any maritime power that, under the circumstances indicated, shall at any time hereafter afford shelter, harbor, or protection to piratical vessels engaged in destroying the commerce of the United States.

The undersigned avails himself of this occasion to offer to Mr. Tassara a renewed assurance of his very high consideration

W. HUNTER.

Señor Don GABRIEL Y GARCIA TASSARA, *&c., &c., &c.*

[Communicated by the British legation, and referred to in the above despatch.]

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *April* 28, 1865.

SIR: It is impossible to describe the sentiments of horror and indignation which have been inspired by the sad intelligence from Washington. Her Majesty has directed me to express her sincere condolence with the families of the late President and of Mr. Seward under their present afflictions.

It is my duty to request that you will convey to the government of the United States the assurance, that the government, the Parliament, and the nation are affected by a unanimous feeling of abhorrence of the criminals guilty of these cowardly and atrocious crimes, and sympathy for the government and people of the United States, thus deprived of those to whom they looked for authority in administration and wisdom in council.

Notice has been given in both houses of addresses to be moved by ministers of the Crown expressing in a formal shape the sentiment of sorrow and indignation felt by Parliament on this sad occasion.

I am, &c., RUSSELL.

Hon. SIR FREDERICK BRUCE, *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

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Washington, May 22, 1865.

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I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1417.] DEPARTMENT OF STATE,
Washington, May 22, 1865.

SIR: Your despatch of the 21st ultimo, No. 933, expressive of your sympathy with the Secretary of State upon the occasion of the accident which befel him on the 5th of last month, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1418.] DEPARTMENT OF STATE,
Washington, May 22, 1865.

SIR: There are no events of sufficient importance to mention since the last weekly summary, that are not clearly stated in the official bulletin of the War Department published in the Chronicle newspaper, the files of which are now regularly forwarded to all of our legations. The Stonewall at last advices was at Havana, and energetic measures have been adopted with a view to her capture or destruction.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[*Same, mutatis mutandis,* to all our principal ministers in Europe.]

Mr. Hunter to Mr. Adams.

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Washington, May 22, 1865.

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I am, sir, your obedient servant,

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Mr. Hunter to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, May 22, 1865.

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Under these circumstances, and in view of the fact that the persons calling themselves president, vice-president, and president of the senate of the so-called Confederate States are now held as prisoners by this government, and that thereby, in connexion with other recent well-known occurrences, all pretence of belligerent rights has been swept away from the authority which they claim to represent, the undersigned is directed to announce to her Catholic Majesty's government, as well as to all other parties concerned, that if, after this communication may be delivered and shall have reached the government of Spain, or of any of her dependencies, the Stonewall, or any other war vessel flaunting the flag of the insurgents in this country, shall be received or allowed to remain in Spanish ports or waters with the knowledge or consent of the authorities of those ports, henceforth no naval vessel of Spain will be received in a port of the United States, and this government will deem itself warranted in taking all the measures which the peace and safety of the United States demand, by ordering the destruction of the insurgent vessels aforesaid, as the nature of the occasion and its exigencies might require.

Always desiring to preserve peace with Spain, this government cannot but foresee that the toleration extended and conferred towards pirates may result in deplorable differences and collisions.

Mr. Tassara, however, as well as her Catholic Majesty's government, are requested to understand that the determination of this government now herein announced does not imply or import any hostility, or even any unfriendliness, towards Spain. On the contrary, the course which it is thus announced will hereafter be adopted and pursued in relation to Spain, will also be adopted in regard to any maritime power that, under the circumstances indicated, shall at any time hereafter afford shelter, harbor, or protection to piratical vessels engaged in destroying the commerce of the United States.

The undersigned avails himself of this occasion to offer to Mr. Tassara a renewed assurance of his very high consideration

W. HUNTER.

Señor Don GABRIEL Y GARCIA TASSARA, *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1420.] DEPARTMENT OF STATE,
Washington, May 22, 1865.

SIR: The honorable Sir Frederick W. A. Bruce has recently left with me a copy of a despatch of the 6th instant, addressed to him by Earl Russell, transmitting a copy of an address adopted in the House of Lords and in the House of Commons, conveying to her Majesty the Queen the expression of the deep sorrow and indignation with which those houses had learned the assassination of the late President of the United States, and praying that her Majesty, in communicating her own sentiments on this deplorable event to the government of the United States, would also be graciously pleased to express on their part their abhorrence of the crime, and their sympathy with the government and people of the United States. The despatch is also accompanied by a copy of the Queen's answer to the address, in which her Majesty expresses her entire concurrence in the spirit thereof.

Sir Frederick Bruce, in giving me a copy of the communication, has informed me that those addresses of the two houses of Parliament express the sentiments of the whole British nation on the deplorable event.

This communication, conveying to the government and people of the United States such emphatic and earnest manifestations of friendship and sympathy from a great and kindred nation, is received with deep sensibility and grateful appreciation.

You will be so good as to make this known to the British government, by leaving with Earl Russell a copy of this despatch.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Communicated by the British legation, and referred to in the foregoing despatch.]

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *May* 6, 1865.

SIR: In pursuance of the notice which, as I informed you in my despatch of the 2[illegible]th ultimo, had been given by her Majesty's ministers in both houses of Parliament, I move[illegible] in the House of Lords on Monday last the address to the Queen of which I send you a co[illegible]py. The motion was seconded by Lord Derby and agreed to *nemine dissentiente.* In the abs[illegible]ence of Viscount Palmerston, who to his great regret was prevented by illness from being pre[illegible]sent on the occasion, Sir G. Grey, her Majesty's principal secretary of state for the home de[illegible]partment, moved a similar address in the House of Commons, which motion was seconde[illegible] by Mr. Disraeli, and was likewise unanimously agreed to.

The Queen has been pleased to return to both houses the most gracious answer of whi[illegible]ch enclose a copy.

In giving a copy of this despatch, and of its enclosures, to the Acting Secretary of Stat[illegible]e the United States, you will say to him that these addresses of the two houses of Parliam[illegible]ent express the sentiments of the whole British nation on the deplorable assassination of the [illegible] President of the United States.

I am, &c.,

RUSSELL.

Honorable SIR F. BRUCE, &c., &c., &c.

Assassination of the President of the United States.

Resolved, nemine contradicente, That an humble address be presented to her Majesty, [illegible] convey to her Majesty the expression of the deep sorrow and indignation with which th[illegible] House has learned the assassination of the President of the United States of America, and [illegible] pray her Majesty that in communicating her own sentiments on this deplorable event to t[illegible] government of the United States, her Majesty will also be graciously pleased to express [illegible] the part of her faithful Commons their abhorrence of the crime, and their sympathy with t[illegible] government and people of the United States.

To be presented by privy councillors.

The Queen's answer to address respecting the assassination of President Lincoln.

I entirely participate in the sentiments which you have expressed to me in the address which I have received from you on the assassination of the President of the United States, and I have given directions that my minister at Washington shall make known to the government of that country the feelings which you entertain, in common with myself and my whole people, with regard to this deplorable event.

Mr. Adams to Mr. Hunter.

[Extract.]

No. 963.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: * * * * * * *

In relation to the question of belligerent rights, it appears that so far as it refers to the restriction upon the sojourn of our national vessels in the ports of foreign powers, it was withdrawn in this kingdom, as I notified you, at the close of the last week, and it has this week been removed also in France. That settles one of the points in dispute.

The other point, the recognition of belligerency, is made to depend upon the renunciation by the United States government of the right of search of neutral vessels at sea. As the exercise of this appears to be no longer necessary, it cannot be doubted that this will be soon disposed of likewise.

At the same time, and in order to put an end to all further hesitation, if the matter be not already provided for by the voluntary surrender of the parties, it would seem to be advisable for the government to take early steps to obtain possession by force of the only remaining outlets for illicit commerce—Galveston and the line of the Rio Grande.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Mr. Adams to Mr. Hunter.

No. 964.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: I now have the honor to transmit a copy of my reply, dated the 20th, to Lord Russell's note of the 4th instant, which I have already, in my No. 952, mentioned as being in preparation. After it was completed, owing to its great length, it took several days to make the necessary fair copies for transmission to his lordship, as well as to you. I am in hopes that it will dispose of the subject, at least for some time to come.

Lord Russell, on the 22d instant, sent me an acknowledgment of the receipt of it, as will appear by the copy herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 20, 1865.

MY LORD: I have had the honor to receive your note of the 4th instant, in reply to mine of the 7th of last month. I have already taken the earliest opportunity to transmit a copy to my government.

If it should not so happen that the course of events dispose of the matter beforehand, I shall probably receive instructions which will enable me to give the information which your lordship appears to desire. Pending the receipt of these, however, I must ask pardon for observing that in the notice which you have been pleased to take of the argument submitted in my note, you have so far extended the field of discussion as to make it my duty to proceed in it still further. And here I would beg leave to remark that if I am to judge of the general statement made of my position by the abstract of it presented to me by your lordship, I must have very grievously failed in offering the logical sequence of my propositions as distinctly as I had desired to do.

This will render necessary another effort to place them before you in the following brief recapitulation. It was my wish to maintain,

1. That the act of recognition by her Majesty's government of insurgents as belligerents on the high seas before they had a single vessel afloat was precipitate and unprecedented.

2. That it had the effect of creating these parties belligerents after the recognition, instead of merely acknowledging an existing fact.

2. That this creation has been since effected exclusively from the ports of her Majesty's kingdom and its dependencies with the aid and co-operation of her Majesty's subjects.

4. That during the whole course of the struggle in America, of nearly four years in duration, there has been no appearance of the insurgents as a belligerent on the ocean excepting in the shape of British vessels, constructed, equipped, supplied, manned and armed in British ports.

5. That during the same period it has been the constant and persistent endeavor of my government to remonstrate in every possible form against this abuse of the neutrality of this kingdom, and to call upon her Majesty's government to exercise the necessary powers to put an effective stop to it.

6. That although the desire of her Majesty's ministers to exert themselves in the suppression of these abuses is freely acknowledged, the efforts which they made proved in a great degree powerless, from the inefficiency of the law on which they relied, and from their absolute refusal, when solicited, to procure additional powers to attain the objects.

7. That by reason of the failure to check this flagrant abuse of neutrality, the issue from British ports of a number of British vessels, with the aid of the recognition of their belligerent character in all the ports of her Majesty's dependencies around the globe, has resulted in the burning and destroying on the ocean a large number of merchant vessels, and a very large amount of property, belonging to the people of the United States.

8. That in addition to this direct injury, the action of these British built, manned and armed vessels has had the indirect effect of driving from the sea a large portion of the commercial marine of the United States, and to a corresponding extent enlarging that of Great Britain, thus enabling one portion of the British people to derive an unjust advantage from the wrong committed on a friendly nation by another portion.

9. That the injuries thus received by a country which has meanwhile sedulously endeavored to perform all its obligations, owing to the imperfection of the legal means at hand to prevent them, as well as the unwillingness to seek for more stringent powers, are of so grave a nature as in reason and justice to constitute a valid claim for reparation and indemnification.

In making this recapitulation, it is no part of my design to go over any of the reasoning which has already been exhausted in the correspondence which I have had the honor heretofore to hold with your lordship. I shall endeavor to confine myself to such points as may have been raised by the new matter embodied in the note to which I now have the honor to reply.

With regard to my first proposition, I have ventured to affirm that the recognition of the insurgents as belligerents on the 13th of May was precipitate and unprecedented.

That it was precipitate is clear from the fact that not a single vessel entitled to the character was at that moment afloat on the ocean, and that even on the land the war itself had barely commenced in the bloodless capture of Fort Sumter.

That it was unprecedented, I must infer that your lordship does not design to dispute, since it appears that you have not availed yourself of my invitation to furnish me with any example.

Nevertheless, I have endeavored so far as I was able myself to investigate the matter, in order that I might be fully satisfied in regard to the solidity of the reasons which your lordship has done me the favor to offer for so suddenly taking this step. I have found in history in an abundance of instances of insurrections, either temporarily or ultimately successful; in most of them there was much more of necessity pressing upon neutral powers for deciding the points to which your lordship has referred in your note; but I have failed to discover a single occasion upon which any of the powers made a decision in anticipation of a case of immediate necessity presenting itself to their attention.

In this connexion I may perhaps be pardoned for reminding your lordship of the circumstances connected with the breaking out of the revolution in the British colonies in America. It could not then be said that cruisers and merchant vessels did not at once swarm on the ocean. Neither was the other contingency absent of the decision of her Majesty's government to close some ports and to blockade others. Yet I do not perceive that France, how-

ever well inclined to do so, did actually take a single step to declare by proclamation these insurgents as belligerents at any time. The course which it did take, the same which I find to have been usual, was to await the arrival of an insurgent vessel in her ports. When that event did happen, a decision was made. It was received as belonging to a belligerent. The same course was likewise taken in Holland. But I must beg leave to remind your lordship that even this quiet proceeding was instantly denounced by her Majesty's government in both cases as a wrong, demanding reparation, and was made one of several grounds for which in the end Great Britain made war successively against each nation.

But the immediate recognition of the insurgents by a proclamation was not the only unprecedented proceeding resorted to by her Majesty's government to create a status which had no actual existence.

In advance of that step it now appears that measures were taken, and overtures made to effect a species of diplomatic negotiation with the so-called authorities at Richmond for the purpose of gaining their adhesion to the four points of the celebrated treaty of 1856. Considering that the party applied to had not then, and has not at any moment since, ever been able to boast of sailing a single vessel of its own construction, equipment, and manning, this might very naturally have been construed by it as equivalent to offering to create for it a status in the ports of the proposing party, applying in advance of any idea of profiting by such a privilege. I do not intend to affirm that her Majesty's government, in taking this extraordinary step, had any design to hold forth an invitation. On the contrary, I disclaim any such idea. But it must be obvious to your lordship that some responsibility is often incurred for the injurious consequences naturally flowing from human action, even though there may not be the presence of evil intention. From the evidence already before the public, it does not admit of a doubt that these proceedings taken together did have the effect of encouraging the insurgents to a degree which led to the prosecution of their subsequent audacious policy.

The insurgents ultimately became a belligerent on the ocean solely by reason of the facilities furnished them in her Majesty's ports. The fact appears to me to be indisputable. For down to the close of the war, with the exception mentioned in my former note, of two passenger steamers stolen from the citizens of New York, not a single effective vessel of theirs has been seen on the ocean, excepting the six or seven which have been wholly supplied in and from this kingdom. Of the preparation of these steamers for the purpose indicated, I have endeavored from time to time to furnish your lordship with such evidence as I had it in my power to obtain. For a considerable time I found myself unable to stem the combined effect of the secret sympathy of her Majesty's officers in the port of Liverpool, and of your lordship's very natural incredulity based on their reports, in procuring more than formal attention to my representations.

Thus it was that the gunboat Oreto got away, and soon after became the armed privateer the Florida.

All the statements I had the honor to submit proved true to the letter, but, nevertheless, the facility with which the evasion had been accomplished furnished the strongest encouragement to the subsequent great extension of the field of operations.

It was at that moment that a deliberate policy was adopted by the insurgents, under which a base was made in this kingdom for all the extensive warlike operations since conducted by them. The officers were then established, and all the ramifications of a bureau regularly organized.

The next example was that of gunboat No. 290, afterwards well known as the cruiser the Alabama. I refer to this case once more only because it has been particularly referred to by your lordship. I do so for the purpose of expressing my dissent from the statement made in your note in regard to certain important particulars.

Your lordship is pleased to state that the papers affording evidence of a design to equip this ship for the confederate service were furnished to you on the 22d and on the 24th of July. This is certainly true. But your lordship will be kind enough to remember that my first note giving information as to the character of that vessel was dated on the 23d of June, that is, one month preceding. On the 4th of July the commissioners of her Majesty's customs, to whom that representation was referred, made a report admitting the fact that the vessel was certainly built for a ship-of-war, but affirming that the evidence presented of her being intended for the so-called confederate government was not sufficient to justify a detention. The concluding sentence in their letter was in these words, I pray permission to ask your lordship's particular attention to them:

"We beg to add that the officers at Liverpool *will keep a strict watch upon the vessel*, and that any further information that may be obtained concerning her will be forthwith reported."

Here was a distinct pledge on the part of two of her Majesty's officers that "they would keep a strict watch on this vessel," which pledge was sent to me with your lordship's note of the 4th of July, requesting me to obtain such further evidence as might tend to show the destination of the vessel. Considering this as a distinct engagement, sanctioned by her Majesty's government to keep faithful watch over that vessel so long as it might be necessary to obtain more evidence as to her character, the precise date of the receipt of that evidence becomes a question of secondary importance. The true question appears to be, how that pledge was actually redeemed. This will appear clear enough in the sequel. On the 9th of July the consul made a statement to the collector of facts as they had become known to him.

He entered into a number of details in respect to the persons engaged in connexion with this vessel, naming individuals with a particularity certainly deserving of some investigation by her Majesty's officers at Liverpool if they really meant to satisfy themselves that she ought to be detained. But it does not appear that they considered it their duty to initiate, or even to carry on any inquiry.

The board of customs contented themselves with a formal reply on the 15th instant, denying that there was sufficient *prima facia* evidence to justify a seizure of the vessels.

On the other hand, my lord, I must take the liberty to remark, after a calm re-examination of the substance of that letter, that if there was not *prima facia* evidence enough in it to justify the seizure, there was matter enough in it to make it the bounden duty of her Majesty's officers to lose no time and omit no effort to obtain the evidence on their own account to verify or to disprove the allegations.

They do not so appear to have read their duty. The consequence was, that more time was necessary for me to procure the information which, as officers of the Crown, they admit in their own letter they ought to have procured themselves. I did obtain evidence, though the process naturally consumed time. That evidence was submitted on the 21st of July by the consul at Liverpool to the collecter of that port, and by him referred to the board of customs. The deliberate answer of that body was made on the 23d of July, and it was to the effect that it was *not* sufficient to justify any steps being taken against the vessel under the law.

Thus far it appears that although her Majesty's officers had pledged the government to "keep faithful watch over the vessel and report any further information they might obtain," no one of them seems to have been disposed to pay the smallest attention to any representations or any evidence offered by myself or any agent of the United States, even so far as to stimulate his own action in any way whatever. A change now took place, to the nature of which I beg most particularly to call your lordship's attention.

On the next day after the decision of the custom's board I had the honor of sending to your lordship copies of six of the very same depositions which had been already sent to them. Whether these would by themselves have met with a better fate, I cannot venture to pronounce. But on the 24th I transmitted two additional ones, to which was appended a professional opinion by a British subject, distinguished as a Queen's counsel, which had been given to me after a careful examination of all these papers. It was to the following effect:

1. "That if the collector of Liverpool did not detain the vessel he would incur a heavy responsibility, of which the board of customs must take their share.

2. "That if the vessel was allowed to escape, it deserved consideration whether the federal government would not have serious ground of remonstrance."

These were ominious words. They laid the responsibility distinctly upon the very parties who had given the original pledge of vigilance and attention. And yet during the very interval in which her Majesty's government was deliberating upon their purport, the vessel was permitted to escape. Neither did this event occur without most explicit warning of the danger having been given by a person acting on behalf of the United States. As early as the 23d of July, six days before that escape, Mr. Squarry, the solicitor employed in the case, addressed a note to the secretary of the customs board warning them most distinctly of the fact that the vessel was ready for sea, had fifty men on board, and could sail any time. On the 26th he wrote another letter, repeating the warning once more. Yet in spite of the promise to keep a strict watch, and in spite of these repeated warnings, the vessel was permitted to steam out of Liverpool just as if no cause of suspicion of her destination had ever been excited. And, as if to crown the extraordinary character of the transaction, after receiving from Mr. Squarry notice on the 29th that the vessel was actually gone, it was not until the 31st that telegrams were issued to Liverpool ordering her detention. I must respectfully represent to your lordship that this proceeding, so far from appearing to do any justice to the demand of the United States, looks almost as if it were intended for a positive insult.

It is true that on the same day telegrams ordering a detention were sent to Cork; likewise, on the 1st of August, to Beaumaris and Holyhead. And on the 2d of August a letter was sent to the collector at Cork to the same effect. For all practical purposes, they might have been sent just as well at this moment that I am addressing these lines to your lordship. It further appears that instructions were sent to the governor of the Bahamas, in case the vessel should visit Nassau. The vessel did not visit that place. But the next time she visited a port within her Majesty's dominions was after she had entered upon her career of depredation; and then, instead of being detained, she was politely received and acknowledged as the vessel of a *bona fide* belligerent.

It now appears that from the day when, by the flagrant negligence of her Majesty's board of customs, this vessel, admitted to be intended for war purposes, was suffered to depart from the port of Liverpool, down to the hour of her destruction by the United States steamer Kearsarge off the coast of France, she came again and again into ports within her Majesty's jurisdiction, and instead of being treated as her Majesty's government directed if she should go to Nassau, she was everywhere hailed with joy and treated with hospitality as a legitimate cruiser.

On behalf of my government I respectfully protest against the whole of this proceeding as contrary to recognized principles of international law. What the obligation of her Majesty's government really was in this instance is so clearly laid down by a distinguished writer, [illegible]

›riously disposed never to exaggerate the duties nor to undervalue the privileges of neutrals, ıat I will ask the liberty to lay before you his very words:

"Le fait de construire un bâtiment de guerre pour le compte d'un belligérant, on de armer dans les etats neutres, est une violation du territoire. Toutes les prises faites par un âtiment de cette nature sont illégitime, en quelque lieu qu'elles aient été faites. Le souerain offensé a le droit des'en emparer, même de force, si elles sont amenées dans ses ports, ; d'en réclamer la restitution lorsqu'elles sont, comme cela arrive en général, conduites ans les ports hors de sa jurisdiction. Il peut également reclamer le desarmement du bâtiıent illégalement armé sur son territoire, et même le détenir, s'il entre dans quelque lien ›umis à sa souverain eté jusqu'à ce qu'il ait été désarmé."

[Translation.]

"The fact of building a war vessel for a belligerent, or of arming it in neutral states, is a iolation of the territory. All captures made by a vessel of this kind, in whatever place they ıay be made, are illegal. The offended sovereign has the right to seize them even by force, ' they are brought into his ports, and to claim the restoration of them if carried into ports eyond his jurisdiction, as it generally the case. He may also exact the disarming of the essel illegally armed within his territory, and even retain it till disarmed, if it enters any lace subject to his power."

It is, then, with undoubting confidence in the justice of the reasoning here presented that take the liberty to reaffirm the validity of the claims of my government for all the damage one by this vessel during her career, and ask reparation therefor.

With respect to the extract from the letter of Mr. Seward to me of August 13, 1863, actully written in 1862, (by a clerical error in your lordship's note that for a time misled me,) which you are pleased to quote as a proof that he was perfectly satisfied with the proceedıgs, I can only remark that the very date itself sufficiently proves that his language never ould have been intended to apply to the extent to which your lordship appears to suppose; ›r at that moment he had been but very partially put in possession of all the facts conected with the case. His remark obviously pointed only to the disposition of your lordhip, which has never been brought into question. What he has thought of the whole case ınce, and what instructions have been given to me in consequence, are matters too well nown to your lordship to render further explanation necessary.

Passing from this point to the more general question between the two countries, I proceed › the task of considering an argument of your lordship of a widely different description. 'his is one drawn entirely from the authority supplied by the previous practice of the govrnment which I have the honor to represent. You cite this as an example to sustain the osition taken by her Majesty's government against the present claim. It is urged in at least wo instances cited, where similar claims were presented by the representatives of foreign owers to the United States; they were replied to with substantially the same reasoning now epeated by her Majesty's government. These are the cases of Spain and Portugal, the comıerce of which countries had suffered from depredations on the ocean, committed by vessels uilt, armed, manned, and equipped by citizens of the United States and despatched from ıeir ports.

The first remark that I would pray permission to submit in connexion with this view of the ubject is this: that even if it were true that the government of the United States had, half a entury since, refused to recognize the just claims of other powers for damage done by reason f their omission to prevent the abuse of their neutral ports to the commerce of those powers, t could in no degree change the nature of any subsequent omission or neglect committed by ther powers at this day. It is a principle of morals too thoroughly known to your lordship o require my dwelling upon it for a moment, that the wrongdoing of one party cannot be ited in justification of a repetition of the act by another.

Surely if the United States government had ventured upon declaring what was once known ıs a paper blockade of the whole southern coast, her Majesty's government would not have ›een content to be told that such was the acknowledged practice of Great Britain many years ıgo. Neither would it have been better satisfied if the United States had resorted to the ›ress-gangs in the outset of the war to fill their ships with British subjects, forced against heir will to fight their own countrymen in the Alabamas, and Floridas, and Shenandoahs, ınd Tallahassees, depredating on the ocean, to be told, in answer to their remonstrances, that ust such was the treatment Americans experienced at the hands of Great Britain prior to the war of 1812.

But, conclusive as this reasoning may be held to be to annul at once all the authority that springs from mere precedent as its source, I am by no means disposed to resort to it in the ases cited by your lordship. They are very familiar to me, and to my view are in themselves o far from furnishing strength to the positions which have been taken by your lordship, that hey bear directly the contrary way. The parallel attempted to be drawn is, in other words, wholly defective and inapplicable.

In regard to the injuries inflicted by citizens of the United States upon the commerce of Spain, the extract which your lordship is pleased to quote from the official note of the representative of the latter country, Don Louis de Onis, certainly does show that such were actu-

ally committed. I am not aware that the government of the United States ever denied the fact. The expedition fitted out by General Miranda against a certain portion of the coast of South America, then under Spanish rule, was unquestionably a violation of the neutrality of the country, which ought to have been prevented. All these cases constituted claims which the Spanish government held against the United States, very much in the same way that the claims for damage done by the Alabama, &c., issued from British ports, are now held by the United States. On the other hand, however, it should be observed that out of the wars of Europe there had grown up a much larger amount of claims on behalf of the people of the United States for injuries done to their commerce by illegal seizure and condemnation of their vessels in the ports of Spain. In progress of time the necessity became urgent on both sides to enter into a deliberate examination of these respective claims, and, if possible, to arrive at fair terms of settlement. A plan of a treaty was proposed embracing all that was regarded as fairly to be brought forward on the two sides. It was during this process that Don Louis de Onis, the very same person whom your lordship has been pleased to cite as making the complaint, himself, on the 24th of October, 1818, presented a projet of six articles, intended to include every one of those objects.

There can be no doubt that this proposal was intended to cover the very claim which was presented in the previous note of January, 1817, an extract from which your lordship has done me the honor to quote. If your lordship should have any inclination to draw it into question, I shall only have to refer you to a second projet presented by the same individuals on the 16th of November, 1818, in which occur these words:

"My fourth proposal to your government has for its object the renunciation by both governments and nations of *all* claims for spoliations respectively suffered by either of the two powers or their subjects until the signing of the treaty."

And as a voucher for what was meant, there is attached to this paper a document containing three separate lists—one, of the names of the Spanish vessels taken; another, of the privateers, fitted out in the American ports, by which they were taken; and a third, of the property taken in those vessels. In other words, these constitute the very claims for injuries complained of in the note of Mr. Onis, to which your lordship has been pleased to refer. To this proposition, so presented by Mr. Onis, the government of the United States raised no objection. It was, therefore, so far as it went, admitted as an item *pro tanto* on the side of Spain in the settlement of the opposite questions between the two nations. As such, it was incorporated into the projet of a treaty drawn up by Don Louis de Onis for the consideration of the United States government, and delivered on the 9th of February, 1819. In this paper it makes a portion of the 10th article.

The renunciation of his Majesty was made to extend to all injuries caused by the expedition of Miranda, fitted out and equipped at New York, and "to all claims of subjects of his Catholic Majesty upon the government of the United States in which the interposition of his Catholic Majesty's government has been solicited before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of his Majesty or to his minister in the United States."

It is not to be supposed for a moment that in making this voluntary offer the Spanish government did not expect to gain for it a just equivalent in settling the other and less favorable terms of the treaty.

This offer, so made, was accepted by Mr. Adams for the United States and incorporated in his counter project, offered to Don Louis de Onis on the 13th of February, 1819. It therefore now stands *totidem verbis* as a part of the treaty signed by the representatives of the two countries on the 22d of February of that year. All the papers from which these extracts are taken have been long before the world. I trust I may therefore be pardoned if I express no small astonishment that your lordship should have fallen into the error of affirming, in the note which I have had the honor to receive, that "it does not appear that any compensation was ever made for any of the seizures."

I now ask leave to proceed to the consideration of the other case referred to in your lordship's note, the claim of Portugal upon the United States for similar injuries to those complained of on behalf of Spain. I am the more disposed to approach the subject, that, unlike the other case, it is new in the correspondence which it has been my duty to hold with your lordship, and that it gives me an opportunity to correct some misapprehensions which appear to exist as to its true character and bearings on the present discussion.

The extracts from various public papers of the government of the United States with which your lordship has favored me sufficiently establish the fact as stated, to wit: "That the revolutionary movement in South America excited the sympathy of the people of the United States."

Your lordship is pleased here to apply the parallel so far as to admit that in this kingdom there was similar sympathy with "the people of the southern States" in what you describe as "their endeavors to give these States an independent position in the world." This was an unfortunate illusion as to the true objects of that struggle, of which I have been aware, but which I have never ceased to regret.

Yet I would respectfully call the attention of your lordship to the circumstance in connexion with this supposed parallel, that notwithstanding the sympathy of the people of the United States with South America, and notwithstanding that the insurgents did possess both open

orts and abundant facilities for cruising on the ocean, the government of the United States id not herald their movement by a prompt declaration recognizing these people as a belliierent power as against Spain.

So far was this from being true, that no sooner was it known that movements were set on oot to make a few of the ports of the United States a base for the operations of the insurents, aided by citizens of the country, than orders were given to the proper officers of the overnment to apply the whole power of the existing laws to prevent it. In proof of this ssertion I pray permission to submit the reports of the prosecuting attorneys for the two istricts in which the offences were most committed. Copies of these papers will be found ppended to this note. They will show that seven different individuals, citizens of Spanish merica, engaged in these operations against the neutrality of the country, were subjected o trial for their offences in the courts. I would here beg leave to interpose the remark, that, o far as I know, in spite of all the evidence which I have presented to your lordship as to he complicity of leading insurgents of the United States, residing in this kingdom, in the iolations of neutrality here committed, not a single prosecution has ever been attempted by er Majesty's government. They will also show that the only limit to the effort of the overnment to punish the parties concerned was the inefficiency of the provisions of the xisting laws passed in 1794. It was this difficulty which soon forced itself upon the attenion of the President.

It is here that I beg leave to take up the case of Portugal, and to ask attention to those articular points in which the action of the United States in this case differs most materially rom that of her Majesty's government, with which it has been attempted to make a parallel.

On the 20th of December M. J. Correa de Serra, the diplomatic representative of Portugal at Washington, addressed a note to Mr. Monroe, then the Secretary of State, presenting the particilars of a strong case of violation of the law which had just happened in Baltimore. He proceeded frankly to acquit the government of any want of disposition to punish the offence and to mention the obstacle which he designated to be the imperfection of the statute law. I pray your lordship's permission to cite the passage which explains the nature of the request e made in consequence:

"I apply, therefore, to this government in the present instance not to raise altercations, r to require satisfaction, which the Constitution of the United States has not, perhaps, enaled them to give; because I know that the supreme Executive of this nation, all-powerful when supported by law, is constitutionally inactive when unsupported by it. What I solicit f him is the proposition to Congress of such provisions by law as will prevent such attempts or the future. I am persuaded that my magnanimous sovereign will receive a more dignied satisfaction, and worthier of his high character, by the enactment of such laws by the United States, which, insuring the respect due to his flag for the future, would show their egard for his Majesty than in the punishment of a few obscure offenders (even if attainable) who, disowned as they are by the United States, may, no doubt, if they take any unwarantable liberty with the property of his Majesty's subjects, meet the fate every honest mind wishes to them, and serve as examples and warnings to those who, in future, may feel piratical dispositions. I rely on the President's wisdom—and the wish I am sure he must feel of putting an end to these shameful practices—that he will take the proper measures to have my requisition fulfilled."

This was on the 20th of December. Only six days elapsed after the reception of this application when Mr. Madison, then the President, addressed a message to both houses of Congress in the following words:

"It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace toward belligerent parties, and other unlawful acts on the high seas, by armed vessels equipped within the waters of the United States. With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped or in course of equipment, with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions proper for the cases of merchant vessels furnished with the defensive armament usual on distant and dangerous expeditions, and of a private commerce in military stores, permitted by our laws, and which the law of nations does not require the United States to prohibit."

The precise points which he desired to have incorporated into a statute are specified in a note from the Secretary of State to Mr. Forsyth, chairman of Committee on Foreign Relations. They are these:

"Having communicated to you, verbally, the information asked for by your letter of the 1st instant, except so far as it relates to the last inquiry it contains, I have now the honor to state that the provisions necessary to make the laws effectual against fitting out armed vessels in our ports, for the purpose of hostile cruising, seem to be—

"1. That they should be laid under bond not to violate the treaties of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot, including the cases of vessels taking on board arms and munitions of war, applicable to the equipment and armament of such vessels subsequent to their departure.

"2. To invest the collectors, or other revenue officers where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the law—the detention to take place until the order of the Executive, on a full representation of the facts had thereupon, can be obtained. The statute book contains analogous powers to this above suggested." (See particularly the 11th section of the act of Congress of April 25, 1808.)

"The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive when there is reason to suspect an intention to commit the offence. They rest upon the general footing of punishing the offence merely where, if there be full evidence of the actual perpetration of the crime the party is handed over, after the trial, to the penalty denounced."

Experience, both in America and in this kingdom, has united to prove that the measure of restraint here pointed out is almost the only effective one which can be resorted to in such cases. Had it been found possible to use it here, I am confident that a great portion of the difficulties experienced by her Majesty's government during the late war would have been avoided. On the 3d of March, 1817, a temporary law was passed to meet the emergency, which was received by the Portuguese minister with the greatest satisfaction.

On the 8th of March, 1818, the Portuguese envoy addressed a representation to the Secretary of State in regard to the capture of three vessels by one of these illegal cruisers. But it should be particularly noted that these cases appear all to have grown out of depredations committed by a single vessel which had escaped from the United States previous to the date of the enactment of the new statute. The captures themselves took place on the ocean at about the time of its passage.

With the aid of this explanation your lordship will be better able to appreciate the force of the language of Mr. Adams, then the Secretary of State, in his reply to the Portuguese minister, which you have done me the honor to quote in your note. The government had not only literally done all in its power under existing laws to prevent these violations of neutrality, but had, at the request of the envoy himself, procured the adoption by Congress of a new and more stringent statute. Surely under such circumstances nothing more could reasonably be expected of it.

This seems to have been the opinion of the Portuguese minister himself. So well satisfied was he with the practical operation of this law in checking these enterprises, that, at the moment when it was about to expire by its own limitation of two years, (on the 4th of February, 1819,) he once more came forth to express his anxiety about losing it, and addressed an urgent representation to the United States government to secure an extension of the time. The reply was to the effect that it had not only been incorporated into a new and improved form, but was made permanent. This will appear from the following note from Mr. Adams:

"SIR: In answer to your letter of the 4th instant, I have the honor of informing you that the act of Congress of 3d March, 1817, to which it refers, was repealed by the act of the 20th of April last, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned, being the eighth chapter of the laws of the last session.' On referring to this last-mentioned statute, which is not of limited duration, you will find that the provisions of the temporary act of 3d March, 1817, are re-enacted by it."

From all which proceedings it distinctly appears that although there were some violations of neutrality committed in defiance of every precaution both before and afterwards, yet the position of the United States in regard to every complaint was an impregnable one. It had done everything in its power, not only to execute existing laws, but to provide more stringent and satisfactory enactments to remedy the defects of the old ones. Had her Majesty's government in its wisdom decided to do as much as this in the late war, I am not sure that I should have been able to resist the argument drawn from the example your lordship has cited in its defence. But I regret to be obliged to remind you that so far was this from being the case it took diametrically the opposite course. At an early period my government, not unaware of the obstacles that were presenting themselves to the effective application of the existing statutes of Great Britain to the offences notoriously committed within this kingdom, directed me to call your lordship's attention to the expediency of procuring for the government more stringent provisions. I did then venture respectfully to propose to you that some steps should be taken to obtain at least such modifications of the existing enlistment act as might tend to make it a better preventive measure. Your lordship was pleased, in the first instance, to respond favorably, at least so far as to make the adoption of such amendments conditional upon corresponding and simultaneous action on the part of the United States. But no sooner had I succeeded in obtaining from my government its assent to a consideration of the arrangement and communicated the result to you, than, your lordship will be so good as to recollect, that I received for answer that her Majesty's government had in the interval reconsidered its decision, and had finally determined to rely upon the existing statutes as quite effective to answer the desired purpose.

From this survey of the two cases it must, then, be obvious that the parallel which your lordship has attempted is by no means to be regarded as complete, inasmuch as in the one instance everything that was required as security by a foreign power was actually done to

please it, whilst in the other everything required was as positively declined. Hence the responsibility for the evil consequences which was lifted by its own action from the one party seems to have been entailed with renewed force, by its refusal to act, upon the other.

Your lordship is pleased to observe that you can never admit that the duties of Great Britain towards the United States are to be measured by the losses which the trade and commerce of the United States may have sustained; to which I would ask permission to reply that no such rule was ever desired. The true standard for the measurement would seem to be framed on the basis of the clear obligations themselves, and the losses that spring from the imperfect performance of them. With regard to the observations of your lordship respecting the seizure, by her Majesty's government, of the two steam war vessels constructed by Mr. Laird, at Liverpool, I have at all times endeavored to bear my feeble testimony to the earnest desire then manifested to put a stop to that most outrageous of all the attempts that have been made to violate the neutrality of this kingdom. At the same time, however, since your lordship has been pleased to open that subject, it is no more than my duty to observe that the proceeding does not appear to have terminated as, in accordance with her Majesty's dignity, I am compelled to think it should have done, in fully upholding the authority of the sovereign power, but rather in a necessity to resort to an indirect mode of escaping the hazard of recourse to the ordinary process of the courts for the protection due to a foreign nation. So far as the claims of the government of the United States are concerned, it matters little by what means the end may have been reached. At the same time it is impossible for it not to have been made painfully conscious in the process that the security of the peace of the two nations, from one of the most flagrant violations of international obligations ever attempted, should have been left to hang upon a mode of proceeding wholly foreign from the recognized and established law of the land.

The fact of the extraordinary decline of the mercantile navigation of the United States simultaneously with a corresponding increase of that of Great Britain, as shown in the tables appended to my former note, does not appear to be disputed by your lordship. Nor yet the other fact that it sprang from the transfer of vessels from the one side to the other by reason of the ravages committed by armed steamers fitted out from the ports of Great Britain. It is true your lordship is pleased to avoid the natural inference which I have been compelled to draw from this state of things by explaining the process in another way. You are pleased to affirm it is a fact that "it has been common to transfer American merchant ships without a change of cargo or crew nominally to British owners, in order to avoid the higher rates of insurance payable during war." But in reply to this I would remark, in the first place, that even if this statement be correct to a far greater extent than I should at present be disposed to admit, it is nothing less than a direct fraud on one of the belligerents, which if it had had native vigor instead of being an unthrifty offshoot from a purely British stock, would have furnished to it just ground for general retribution upon British commerce by subjugating it to the most annoying suspicion and severe examination. And in the next, that the very fact of the admitted rise in the rates of insurance on American ships only brings us once more back to look at the original cause of all the trouble, to wit: the fact of the issue of all the depredating vessels from British ports, with British seamen, and with, in all respects but the presence of a few men acting as officers, a purely British character.

Thus it is that whatever may be the line of argument I pursue, I am compelled ever to return to the one conclusion. The nation that recognized a power as a belligerent before it had built a vessel and became itself the sole source of all the belligerent character it has ever possessed on the ocean, must be regarded as responsible for all the damage that has ensued from that cause to the commerce of a power with which it was under the most sacred of obligations to preserve amity and peace.

There remain a few minor points in your lordship's note which might have elicited further comments on my part but for the consideration that the positions taken in regard to them by my government have been already on a former occasion sufficiently set forth. I am therefore reluctant, by further extending this note, to run the risk of trespassing unnecessarily on your lordship's patience. I trust that, in performing the task to which my sense of duty calls me, I shall not be found to have in any degree transgressed the limits of amicable discussion to which it is the earnest desire of my government that I should ever adhere, and which it is always my own disposition to observe.

I pray your lordship to accept the assurances of the highest considerarion with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May* 22, 1855.

SIR: I have the honor to acknowledge the receipt of the letter which you addressed to me on the 20th instant, in reply to mine of the 4th, and to state to you that the observations therein contained will be duly considered by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Hunter.

No. 965.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: I have the honor to transmit another parcel of addresses, resolutions, &c., from various parts of this kingdom, according to the list hereto annexed.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Addresses, memorials, and resolutions for the United States government, from Parish of St. Pancras, Hawley, Broomfield, Workingmen of Hinton, Martill, near Winbourne, Stockport Sunday School Union, Coventry, Bridgewater Methodist Free Church, Welch Residents in London, Bedford, Wigan, Plaistow, Essex, King's Lynn, Devizes, South Shields, Chatham, Lincoln, Barnsley Local Board of Health, Grantham, Manchester Grand Division Sons of Temperance, West Cramlington, City of Manchester.

Addresses, memorials, and resolutions for Mrs. Abraham Lincoln, from Parish of St. Pancras, Hawley, Workingmen of Hinton, Martill, Stockport Sunday School Union, Coventry, Welch Residents in London, Bedford, Wigan, Plaistow, Essex, King's Lynn, Devizes, South Shields, Chatham, Sheffield Secular Society, Lincoln, Grantham, Manchester Grand Division Sons of Temperance, West Cramlington.

[For enclosures see Appendix, separate volume.]

Mr. Adams to Mr. Hunter.

No. 966.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: I have the honor to transmit a copy of a note from Lord Russell to me of the 27th of April, relative to the steamer formerly known as the Tallahassee, in Wilmington, and later as the Chameleon, at Bermuda and at Liverpool.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 27, 1865.

SIR: With reference to the case of the Chameleon, otherwise Tallahassee, to which you drew my attention in your letter of the 12th instant, I have the honor to state to you that it appears, from a report which has been made by a competent naval officer to her Majesty's government, that that vessel has not, since the 27th of last December, assumed the character of a confederate cruiser. On that date the Chameleon, having previously landed her arma-

ment, left the port of Wilmington with a cargo of cotton for Bermuda. At Bermuda she took on board a cargo for Wilmington, but finding that port, as well as Charleston, in the possession of the United States forces, she returned to Bermuda, whence she arrived direct at the port of Liverpool, having a cargo of copper, telegraph wire, and tobacco, amounting altogether to about one hundred tons.

The crew of the Chameleon is stated to have numbered forty persons, all told, eighteen of whom were stokers, and this, the report says, is not an unusual number for a vessel employed in blockade running. The greater part of the crew have now been discharged.

Her Majesty's government have been advised that there is nothing to show that the Chameleon is not now what she is represented to be, namely, a merchant vessel carrying the flag of the so-styled Confederate States, or that any part of her cargo is prize taken from United States citizens, and under these circumstances her Majesty's government have not felt themselves warranted in refusing permission to the Chameleon to discharge and deliver her cargo at the port of Liverpool.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Hunter.

No. 967.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: I have the honor to transmit a copy of a note from Lord Russell to me, dated the 19th instant, and referring to a demand made by the United States on the governor of the Bahamas, for the extradition of one Vernon Locke. As this transaction did not pass through this legation, I presume this note is sent to it only as a medium of communicating information.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 19, 1865.

SIR: I have the honor to bring to your knowledge proceedings which have been taken by the colonial authorities at Nassau, in regard to a person named Vernon Locke, an application for whose extradition has been made by the government of the United States through her Majesty's representative at Washington.

In the early part of the year 1863, a schooner named the Retribution, belonging to the navy of the so-called Confederate States, captured an American vessel, the Hanover, of Boston, and Vernon Locke, the commander of the Retribution, succeeded, by means of fraudulent personation and representation, in procuring the admission of the Hanover to the port of Long Cay, in the Bahamas, and effected there the sale of that vessel's cargo.

A representation on the subject having been made to Lord Lyons by Mr. Seward, his lordship immediately communicated with the governor of the Bahamas, and after an investigation of the case Locke was arrested and taken before the acting police magistrate, by whom he was fully committed for trial on charges of conspiracy and forgery. The offence, however, with which Locke was charged was bailable, and having been admitted to bail, he did not surrender. His recognizances were therefore forfeited, but no further steps could at the time be taken.

In February last Locke returned to Nassau and was rearrested, the colonial authorities having taken immediate steps to bring him to trial for the above-mentioned offences. But in the meanwhile Mr. Seward received information that Locke had returned to Nassau, and made a requisition through Mr. Burnley for his extradition on charges of murder and piracy, arising out of the case of the Chesapeake, and the governor of the Bahamas thereupon applied to her Majesty's government for instructions as to the course which he should pursue, with regard to the two-fold charges thus brought against Locke.

I have the honor to inform you of the decision which, after attentive consideration of all the circumstances of the case, her Majesty's government have come to in regard to this matter. It appears to her Majesty's government that the United States government are not

entitled to obtain the extradition of Locke, until he shall have been tried for the offences alleged to have been committed by him against British law, and, if convicted, shall have undergone any sentence which may be passed upon him. But her Majesty's government are unwilling that, in consequence of any delay on this account in the extradition of Vernon Locke, the means of supporting the graver charge against him should be weakened, and I have, therefore, to state to you that her Majesty's government will waive their right to prosecute Locke for the offence of conspiracy and forgery, if the evidence upon the charge arising out of the seizure of the Chesapeake shall prove to be sufficient to justify extradition by the government of the Bahamas.

I request that you will have the goodness to inform your government of the manner in which her Majesty's government propose to proceed in regard to the application for Vernon Locke's extradition.

I have the honor, &c., &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 969.] LEGATION OF THE UNITED STATES,
London, May 25, 1865.

SIR: Now that the interest in the capture of Booth, the assassin, has passed away, it may not be unadvisable to explain the cause of my application in my No. 947, of the 6th of May, for papers to facilitate his arrest on this side of the water.

Circumstances had occurred which fixed the suspicions of the detective force in this city in a particular direction as the hiding-place of some malefactor just arrived from abroad. Moreover, there were plausible reasons for the idea that this person might be Booth himself. It is due to this government to say, that the very moment the information was received by them from the proper channels, every arrangement was provided to secure the apprehension of the supposed criminal. Among other things, a form of application was furnished to me from the Foreign Office in advance, to claim his surrender, which I signed; and the expediency of sending to you for the necessary proofs was suggested, according to which I now mention these things only for the sake of doing justice to the good will of the authorities in their endeavor to aid in the apprehension of the criminal.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hunter to Mr. Adams.

No. 1423.] DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 11th instant, No. 951, transmitting a copy of note received by you from Earl Russell in reply to your communication to his lordship, relative to a rumor based upon a despatch from our consul at Nassau, to the effect that vessels hitherto engaged in blockade running were about to proceed to Havana to be fitted out as privateers, and simulating a flag of the United States to depredate upon British commerce.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London.*

Mr. Hunter to Mr. Adams.

No. 1424.] DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 11th instant, No. 952, which is accompanied by a copy of a note addressed to you by Earl Russell, relative to the insurgent steamers Shenandoah and City of Richmond, and also as to the question of responsibility on the part of the British government for depredations committed by vessels of that class upon American commerce.

In compliance with your request a copy of that note will be presented to the President for his consideration.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1425.] DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: I have received your despatch of the 11th instant, No. 953, enclosing a copy of a note and resolutions passed by the Southern Independence Society of Manchester, on the occasion of the late tragical events which have occurred in this city. Your proceeding in returning the original to that society is fully approved by this department.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1426.] DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: Your despatch of the 11th instant, No. 954, transmitting an additional number of addresses and resolutions, occasioned by the late deplorable calamity, together with an appended list of these papers, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For enclosures see Appendix, separate volume.]

Mr. Hunter to Mr. Adams.

No. 1428.] DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: Your despatch of the 11th instant, No. 950, and its accompanying copies of the correspondence which has taken place between Lord Russell and yourself, relative to the transmission of the late President's letter to the Queen on the occasion of the recall of Lord Lyons, has been received and is approved.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1429.] DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: Your despatch of the 11th instant, No. 949, and its accompanying copies of the correspondence which has taken place between Earl Russell and yourself, upon the subject of the fuzes manufactured by the British government which were found in Fort Fisher, has been received.

I have caused your communication to be transmitted to Lieutenant General Grant for his information.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1430.] DEPARTMENT OF STATE,
Washington, May 30, 1865.

SIR: The Stonewall has been turned over by her insurgent commander to the keeping of the Spanish authorities at Havana; the question as to the ultimate disposition to be made of her is under consideration. An indictment has been found against Jefferson Davis for high treason, for which he will be tried before the United States court for this district. You will find a copy of the indictment in the Washington Sunday Chronicle, which goes to you by this mail.

By a despatch of the 25th instant, General Canby announced to the Secretary of War that arrangements for the surrender of the insurgent forces in the trans-Mississippi department had been concluded, including the men and material of the military and naval service.

On the 27th instant, under the direction of the President, the Secretary of War ordered that in all cases of sentence by military tribunals of imprisonment during the war, the sentence be remitted, and that the prisoners be discharged.

To-day proclamations by the President are promulgated, both bearing the date of yesterday, one relating to amnesty, and the other to the reorganization of constitutional government in North Carolina. A copy of each is enclosed.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to our principal ministers in Europe.]

Mr. Seward to Mr. Adams.

[Circular.]

DEPARTMENT OF STATE,
Washington, May 29, 1865.

SIR: A copy of the President's amnesty proclamation of this date is hereunto appended. By a clause in the instrument, the Secretary of State is directed to establish rules and regulations for administering and recording the amnesty oath, so as to insure its benefits to the people and guard the government against fraud. Pursuant to this injunction, you are informed that the oath prescribed

in the proclamation may be taken and subscribed before any commissioned officer, civil, military or naval, in the service of the United States, or any civil or military officer of a loyal State or Territory, who, by the laws thereof, may be qualified for administering oaths. All officers who receive such oaths are hereby authorized to give certified copies thereof to the persons, respectively, by whom they were made. And such officers are hereby required to transmit the originals of such oaths, at as early a day as may be convenient, to this department, where they will be deposited, and remain in the archives of the government. A register thereof will be kept in the department, and on application, in proper cases, certificates will be issued of such records in the customary form of official certificates.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to all our diplomatic representatives abroad.]

By the President of the United States of America:

A PROCLAMATION.

Whereas the President of the United States, on the 8th day of December, A. D. eighteen hundred and sixty-three, and on the 26th day of March, A. D. eighteen hundred and sixty-four, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had directly or by implication participated in the said rebellion; and whereas many persons who had so engaged in said rebellion have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby: and whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder, by reason of their participation directly or by implication in said rebellion, and continued hostility to the government of the United States since the date of said proclamations, now desire to apply for and obtain amnesty and pardon:

To the end, therefore, that the authority of the government of the United States may be restored, and that peace, order, and freedom may be established, I, ANDREW JOHNSON, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in cases where legal proceedings, under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath, (or affirmation,) and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I, ——— ———, do solemnly swear, (or affirm,) in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God."

The following classes of persons are excepted from the benefits of this proclamation: 1st, all who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended confederate government; 2d, all who left judicial stations under the United States to aid the rebellion; 3d, all who shall have been military or naval officers of said pretended confederate government above the rank of colonel in the army or lieutenant in the navy; 4th, all who left seats in the Congress of the United States to aid the rebellion; 5th, all who resigned or tendered resignations of their commissions in the army or navy of the United States to evade duty in resisting the rebellion; 6th, all who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service, as officers, soldiers, seamen, or in other capacities; 7th, all persons who have been or are absentees from the United States for the purpose of aiding the rebellion; 8th, all military and naval officers in the rebel service who were educated by the government in the Military Academy at West Point or the United States Naval Academy; 9th, all persons who held the pretended offices of governors of States in insurrection against the United States; 10th, all persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the federal military line into the pretended Confederate States for the purpose of aiding the rebellion; 11th, all persons who have been engaged in

the destruction of the commerce of the United States upon the high seas, and all persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British provinces from the United States; 12th, all persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval or civil confinement or custody, or under bonds of the civil, military, or naval authorities, or agents of the United States as prisoners of war, or persons detained for offences of any kind, either before or after conviction; 13th, all persons who have voluntarily participated in said rebellion, and the estimated value of whose taxable property is over twenty thousand dollars; 14th, all persons who have taken the oath of amnesty as prescribed in the President's proclamation of December 8th, A. D. 1863, or an oath of allegiance to the government of the United States since the date of said proclamation, and who have not thenceforward kept and maintained the same inviolate.

Provided, That special application may be made to the President for pardon by any person belonging to the excepted classes; and such clemency will be liberally extended as may be consistent with the facts of the case, and the peace and dignity of the United States.

The Secretary of State will establish rules and regulations for administering and recording the said amnesty oath, so as to insure its benefit to the people, and guard the government against fraud.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, the twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth. [L. S.]

ANDREW JOHNSON.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

By the President of the United States of America.

A PROCLAMATION.

Whereas, in and by the Constitution of the United States, it is provided that the President "shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment;" and

Whereas a rebellion now exists, whereby the loyal State governments of several States have for a long time been subverted, and many persons have committed, and are now guilty of, treason against the United States; and

Whereas, with reference to said rebellion and treason, laws have been enacted by Congress, declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized, at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas the congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves; and

Whereas, it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to reinaugurate loyal State governments within and for their respective States: Therefore,

I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I, ——— ———, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called confederate government above the rank of colonel in the army or of lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; and all who resigned commissions in the army or navy of the United States, and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity.

And I do further proclaim, declare, and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or the executive, (when the legislature cannot be convened,) against domestic violence."

And I do further proclaim, declare, and make known that any provision which may be adopted by such State government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent, as a temporary arrangement, with their present condition, as a laboring, landless, and homeless class, will not be objected to by the national Executive.

And it is suggested as not improper that, in constructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State government.

To avoid misunderstanding, it may be proper to say, that this proclamation, so far as it relates to State governments, has no reference to States wherein loyal State governments have all the while been maintained. And, for the same reason, it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats constitutionally rests exclusively with the respective houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present the people of the States wherein the national authority has been suspended, and loyal State governments have been subverted, a mode in and by which the national authority and loyal State governments may be re-established within said States, or in any of them; and, while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the city of Washington, the 8th day of December, A. D. one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-eighth. [L. S.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

By the President of the United States of America.

A PROCLAMATION.

Whereas it has become necessary to define the cases in which insurgent enemies are entitled to the benefits of the proclamation of the President of the United States, which was made on the eighth day of December, 1863, and the manner in which they shall proceed to avail themselves of those benefits;

And whereas the objects of that proclamation were to suppress the insurrection and to restore the authority of the United States; and whereas the amnesty therein proposed by the President was offered with reference to these objects alone:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do hereby proclaim and declare that the said proclamation does not apply to the cases of persons who, at the time when they seek to obtain the benefits thereof by taking the oath thereby prescribed, are in military, naval, or civil confinement or custody, or under bonds, or on parole of the civil, military or naval authorities, or agents of the United States, as prisoners of war, or persons

ɜtained for offences of any kind, either before or after conviction, and that, on the contrary, does apply only to those persons who, being yet at large, and free from any arrest, confinement or duress, shall voluntarily come forward and take the said oath, with the purpose of ɜstoring peace and establishing the national authority. Prisoners excluded from the amnesty ɜfered in the said proclamation may apply to the President for clemency, like all other offenders, and their application will receive due consideration.

I do further declare and proclaim that the oath prescribed in the aforesaid proclamation of ɜe 8th of December, 1863, may be taken and subscribed before any commissioned officer, ɜvil, military or naval, in the service of the United States, or any civil or military officer of ɜate or Territory not in insurrection, who, by the laws thereof, may be qualified for administɜtering oaths. All officers who receive such oaths are hereby authorized to give certificates ɜereon to the persons respectively by whom they are made, and such officers are hereby ɜquired to transmit the original records of such oaths, at as early a day as may be convenient, ɜ the Department of State, where they will be deposited and remain in the archives of the ɜovernment. The Secretary of State will keep a register thereof, and will, on application, ɜ proper cases, issue certificates of such records in the customary form of official certificates.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States ɜ be affixed.

Done at the city of Washington, the twenty-sixth day of March, in the year of our Lord ɜ one thousand eight hundred and sixty-four, and of the independence of the United [L. S.] States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

By the President of the United States of America.

A PROCLAMATION.

Whereas the 4th section of the 4th article of the Constitution of the United States declares ɜat the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas ɜe President of the United States is, by the Constitution, made commander-in-chief of the ɜmy and navy, as well as chief civil executive officer of the United States, and is bound by ɜlemn oath faithfully to execute the office of President of the United States, and to take ɜare that the laws be faithfully executed; and whereas the rebellion, which has been waged ɜ a portion of the people of the United States against the properly constituted authorities of ɜe government thereof, in the most violent and revolting form, but whose organized and ɜmed forces have now been almost entirely overcome, has, in its revolutionary progress, ɜprived the people of the State of North Carolina of all civil government; and whereas it ɜcomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina, in securing them in the enjoyment of a republican form of ɜvernment:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said State to organize a State government, whereby justice may be established, domestic tranquility ɜsured, and loyal citizens protected in all their rights of life, liberty, and property, I, NDREW JOHNSON, President of the United States, and commander-in-chief of the army and ɜvy of the United States, do hereby appoint William W. Holden provisional governor of ɜe State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, ɜmposed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution ɜereof: and with authority to exercise, within the limits of said State, all the powers necessary ɜry and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the federal government, and to present such a republican form of State government as will entitle the State to the guarantee of the United States ɜerefor, and its people to protection by the United States against invasion, insurrection, and ɜmestic violence: *Provided* that, in any election that may be hereafter held for choosing ɜlegates to any State convention as aforesaid, no person shall be qualified as an elector, or ɜall be eligible as a member of such convention, unless he shall have previously taken and ɜbscribed the oath of amnesty, as set forth in the President's proclamation of May 29, ɜ. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of ɜorth Carolina in force immediately before the 20th day of May, A. D. 1861, the date of the ɜ-called ordinance of secession; and the said convention, when convened, or the legislature ɜat may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the State, a power the people ɜ the several States composing the federal Union have rightfully exercised from the origin ɜ the government to the present time.

And I do hereby direct—

t. That the military commander of the department, and all officers and persons in the y and naval service, aid and assist the said provisional governor in carrying into effect oclamation, and they are enjoined to abstain from, in any way, hindering, impeding, couraging the loyal people from the organization of a State government as herein ized.

nd. That the Secretary of State proceed to put in force all laws of the United States, ministration whereof belongs to the State Department, applicable to the geographical aforesaid.

d. That the Secretary of the Treasury proceed to nominate for appointment assessors es, and collectors of customs and internal revenue, and such other officers of the Treas- epartment as are authorized by law, and put in execution the revenue laws of the States within the geographical limits aforesaid. In making appointments, the pref- shall be given to qualified loyal persons residing within the districts where their re- e duties are to be performed. But if suitable residents of the districts shall not be then persons residing in other States or districts shall be appointed.

th. That the Postmaster General proceed to establish post offices and post routes, and to execution the postal laws of the United States within the said State, giving to loyal its the preference of appointment; but if suitable residents are not found, then to ap- gents, &c., from other States.

. That the district judge for the judicial district in which North Carolina is included d to hold courts within said State, in accordance with the provisions of the act of Con- The Attorney General will instruct the proper officers to libel, and bring to judgment, ation, and sale, property subject to confiscation, and enforce the administration of within said State in all matters within the cognizance and jurisdiction of the federal

. That the Secretary of the Navy take possession of all public property belonging to vy Department within said geographical limits, and put in operation all acts of Con- n relation to naval affairs having application to the said State.

nth. That the Secretary of the Interior put in force the laws relating to the Interior tment applicable to the geographical limits aforesaid.

estimony whereof, I have hereunto set my hand and caused the seal of the United to be affixed.

e at the city of Washington this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

ANDREW JOHNSON.

he President:
WILLIAM H. SEWARD, *Secretary of State.*

Mr. Adams to Mr. Hunter.

[Extract.]

73.] LEGATION OF THE UNITED STATES,
London, June 2, 1865.

: * * * * * * * *

th respect to the matters referred to in your Nos. 1401 and 1404, I presume he next steamer due in the United States, after the date of these despatches, ave brought you the answer of Lord Russell to my inquiries made under r instructions, as transmitted to you with my No. 952, of the 11th of May, ve to the same subject. I am, therefore, inclined to await an exposition of resident's views after he shall have become possessed of that answer, rather renew the inquiry here with a prospect of a similar response. Nevertheless, e transmitted to his lordship, as you desired in No. 1404, a copy of the Presi- proclamation of the 10th of last month. It has elicited an acknowledgment lordship's note of the 30th ultimo, which appears to indicate a still more able disposition. I transmit herewith a copy of that note.

m rather inclined to the belief that no further action will be necessary on matter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

ILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 29, 1865.

MY LORD: I have the honor to communicate to your lordship herewith, for the information of Her Majesty's government, a printed copy of a proclamation in regard to insurgent cruisers, issued by the President of the United States, at Washington city, on the 10th instant.

Renewing the assurances of my highest consideration, I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Hon. EARL RUSSELL.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 30, 1865.

SIR. I have had the honor to receive your letter of yesterday, communicating, for the information of her Majesty's government, a printed copy of a proclamation issued by the President of the United States, at Washington, on the 10th instant, regarding insurgent cruisers.

I observe it stated in this proclamation that "armed resistance to the authority of this government in the said insurrectionary States may be regarded as virtually at an end. The persons by whom that resistance, as well as the operations of insurgent cruisers, were directed, are fugitives or captives."

Her Majesty's government will deem it their duty to communicate immediately with the government of France, in order to concert measures whereby the insurgent cruisers shall no longer continue to receive hospitality in the ports of Great Britain and France.

Her Majesty's government will subsequently communicate to the same purpose and effect with other maritime nations who, like the British government, have pursued a course of neutrality during the late civil war.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Hunter.

No. 974.] LEGATION OF THE UNITED STATES,
London, June 2, 1865.

SIR: I have the honor to transmit an additional number of addresses, resolutions, &c., on the assassination of the late President, according to a list hereto subjoined.

These papers have now expanded to so great a number that it becomes a serious question how most conveniently and properly to respond to them. I should beg leave to suggest some single and comprehensive form which I might be directed to print and address to the respective parties. Any other and more varied course would have the effect of imposing upon the small force of this legation an amount of extra labor which could not be performed without at least a very considerable delay. Already the mere process of filing, cataloguing, and acknowledging them has occupied one of my secretaries the larger part of his time for some weeks.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

lresses, memorials, and resolutions for the United States government, from Galway ing Classes of Ipswich, Temperance Society of Ashton-under-Lyne, Thetford, Norfolk, Arbroath, Forfar, Scotland, Preston Union and Emancipation Society, Chichester Town cil, Merthyr Tydfil, Warwick.

lresses, memorials, and resolutions for Mrs. Lincoln, from Galway, Working Classes of ch, Union and Emancipation Society of Ashton-under-Lyne, Temperance Society of Ashder-Lyne, Chichester Town Council, Merther Tydfil, Warwick.

r above enclosures see Appendix, separate volume.]

Mr. Adams to Mr. Hunter.

975.] LEGATION OF THE UNITED STATES,
London, June 2, 1865.

R: Within a couple of weeks there has been a singular attempt at a renewal e panic in regard to the designs of our government which made the subject y despatches some time ago.

story has been sedulously circulated that the change in the Presidency had the signal for a renewal of the old demand for reparation for the damage by the Alabama and other vessels fitted out in England, and that in a more rious and absolute manner. This at last assumed a distinct shape in the al called the Owl, already referred to in former despatches as reputed to be ucted by persons who have more or less access to high sources of authority. article was transferred without comment to the columns of the Times and leading journals, and thus gained credence in spite of decided contradic- which appeared in the Globe and the News.

should be observed that this publication called the Owl has developed this n much more decidedly than it did last year its sympathies with the cause e rebels. Indeed, on more than one occasion it has betrayed most unmisbly its sources of authority in the statements made touching their affairs.

have received intimations, but not founded on any authority I can rely on, there are some secret affiliations in that journal with the power on the other of the channel. Be this as it may, the fact is certain that the announce- to which I have referred was made the basis of a proposal for an alliance, sive and defensive, between the two nations of France and Great Britain st the United States.

u may perhaps recollect that in a former despatch (No. 879, of the 16th of uary) I distinctly referred to such a project as among the schemes agitated e rebel agents and their friends on this side of the water.

he matter excited so much attention and stirred the very sensitive stock et so seriously as to give rise to a movement in the House of Commons ded to quiet it. But, rather unfortunately, Lord Palmerston, in answering quiry proposed by Sir John Walsh, on the 26th ultimo, gave a response so guously couched as rather to increase than to diminish the credit given to umor.

he same thing happened again on Tuesday evening, as will appear by the rt of what was said, in the copy of the London Times of Wednesday, which w transmit. Very fortunately, however, Mr. W. E. Forster, not satisfied the state in which the matter was left by Lord Palmerston, persevered with er adroit inquiry, addressed to Mr. Layard, the under-secretary of the For- Office. And this produced a plain and straightforward answer, which cov- all the points in the case.

hall not undertake to decide as to the causes which led Lord Palmerston twice over to evade making a rectification of this story.

Unquestionably, the only foundation for the report is to be had in the fact of the presentation of my successive notes to Lord Russell of the 7th of April and the 20th of May, the first of which was presented some time before the death of the late President, and the second was called forth only by a necessity imposed by the excursive nature of his lordship's reply. Catching somehow or other at the knowledge of the existence of these notes, it has been thought worth while by somebody to make that fact the basis of an alarm which might tolerate the otherwise unwelcome suggestion of an alliance with France, as against the United States.

If I am right in my statement, it is not, perhaps, unfair to infer here the presence of three threads of influence combined in one cord of intrigue: The first, that of the indefatigable rebel emissaries; the second, that of French-Mexicanism under imperial shelter; the third, that of aristocratic British sympathy with the rebellion

I shall probably have occasion for some time to come to notice and expose similar schemes. While but little disposed to attach importance to them, or to believe in any chances of their success, I think it my duty to continue to transmit to you the information, in order that you may be placed on your guard and hold in your hands at all times the means of counteracting the false impressions attem ptd here by such devices.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[From the London Times of May 31, 1865.]

HOUSE OF COMMONS, *Tuesday, May 30.*

THE ALABAMA CLAIMS.

Mr. SHAW LEFEVRE. As some misapprehension was caused by the answer of the noble lord the other night to a question put by an honorable member, I wish to ask whether the communication which the noble lord said had been received from the United States government, with respect to the losses caused by the Alabama and other similar vessels, is in any way contradictory in tenor and spirit to Mr. Adams's despatch of October, 1863, in which he stated that, in order to preserve amity and friendship between the two countries, he was instructed by his government to postpone any question which might arise with reference to the depredations of the Alabama to some future time when it could be discussed with calmness; and I also wish to ask whether that communication was dated before or after the accession of President Johnson.

LORD PALMERSTON. I can only repeat what I said on a former occasion—that communications have been going on between the two governments for a considerable time past with regard to the captures made by the Alabama and other ships of the same kind. My honorable friend wishes to know whether, in a recent communication, the identical words are repeated which were contained in any former one. I am not aware that the identical words are used, but the general tenor of the communication is the same and refers to the same matters as the previous ones, a certain portion of which have been laid before Parliament, and are now on the table of the House. My honorable friend asks whether the last communication was made since the accession of President Johnson. It was made here since that time; but whether the instructions upon which it was made were issued by President Lincoln or President Johnson I cannot inform you.

LORD R. CECIL. I understood the noble lord at the head of the government to say that the former demands on the subject of the Alabama had been conveyed in a correspondence, of which a portion had been laid before Parliament. I wish to ask the noble lord what are the dates, or at least what is the approximate period of the correspondence relating to the demands on account of the Alabama which has not been laid before Parliament.

LORD PALMERSTON was understood to say he was not able offhand to answer the question of the noble lord.

Mr. W. E. FORSTER. Is it not possible, in a case of such considerable importance, for the under-secretary for foreign affairs, or some other person on behalf of the government, to give

a more explicit answer to the question which has been put by the honorable member? There seems to be an impression aboard—I believe an unfounded impression—that since the accession of President Johnson, claims with regard to the Alabama have been made in a different spirit from that in which they were made formerly. I rather gather from the question of the noble lord (Lord R. Cecil) that he is not altogether satisfied with the reply of the noble lord at the head of the government. It is of importance that the mind of the country should be set at rest upon this subject, and if it be the case, as I believe it is, that no fresh feature has been introduced into the claims on account of the Alabama within these few months, I hope the under-secretary for foreign affairs will be able to state that distinctly.

Mr. LAYARD. The case is very simple. The original demand was that contained in papers which have been laid on the table of the House last year, or at the end of the previous session. Whenever cases have arisen, whether solitary or otherwise, of vessels captured by the Alabama and other ships of that nation, Mr. Adams, in putting forward the claim in each particular case, has reiterated the original claims almost in the same words. A short time ago, in a note which reached her Majesty's government before the death of President Lincoln, that demand was incidently renewed in words almost identical with the original claim. That is the state in which the case rests at present. There has been no fresh demand, neither has the claim been withdrawn. The demands which have been made of late are continuations of the original demand.

The adjournment of the House until next Thursday was then agreed to.

Mr. Adams to Mr. Hunter.

No. 977.] LEGATION OF THE UNITED STATES,
London, June 2, 1865.

SIR: I have just returned from a brief interview with Lord Russell, and beg leave to report the substance of it.

I read to him the substance of your despatch (No. 1,400) of the 15th of May. With reference to the first remark contained in it, I interposed the observation that, so far as my experience went, I had not perceived in his lordship the impatience referred to; but I presumed it would nevertheless be agreeable to him to know that the matter was engaging the attention of my government. After I had gone through with it, his lordship simply remarked, that inasmuch as the British government had recognized the validity of the closing of the ports of which we were in possession, there was no disposition to be impatient in respect to any proceedings which we might deem it advisable to adopt in our progress to restoration. There have been some complaints of hardship from British subjects in Charleston; but these were an unavoidable consequence of the peculiar state of affairs, which he presumed would be but temporary. He trusted that the government would be able in due course of time to bring matters back to their ordinary state.

I then added that I had received another despatch relating to the arrival of the Stonewall at Nassau, and the general question of belligerent rights; but considering that the matter must have been already communicated to him through a letter which had been addressed to Sir Frederick Bruce, and, further, that I held it to be substantially settled by his answer to my note transmitting a copy of the President's proclamation, I should not trouble him by reading it.

His lordship observed that he had learned through Lord Cowley that Mr. Bigelow, our minister at Paris, had communicated to M. Drouyn de L'huys a despatch on this subject. He asked if I had any of the same kind. I replied that I did not know of any special one to Mr. Bigelow, and I had not, myself, anything more than I had already mentioned. He said the matter had been occupying the attention of both governments, and, on their own part, they had come to a conclusion. The substance of it was to recognize the war at an end, and from the same date to refuse to receive any vessel of the insurgents within British ports. With regard to such vessels as might happen to be in any port prior to the declaration, if in process of disarmament for sale and transfer to

neutral parties, that would be permitted without any guarantee of security on leaving the port. If, on the other hand, the vessel should be armed, it would be required to depart in twenty-four hours under the rule.

I remarked that, being without authority, I could only express my own opinion of this proceeding; but I could not help thinking it would be perfectly satisfactory. The subject had seemed to me so near to settling itself, that I had not felt any anxiety of late about it. There were but two vessels left on the ocean, the Shenandoah and the Stonewall. I had strong reason to believe they had already been disposed of by persons in this country who were undertaking to dispose of the assets of the bankrupt concern. Indeed, it had been intimated to me that they had been already ordered to repair to this kingdom. If they should not reach here prior to the issue of the proposed declaration, did I understand his lordship right in saying admission would be refused them? His lordship took up a document which was before him, and read me a passage of it precisely to that effect. Whereupon I remarked that I was satisfied. It might be that my government would desire to pursue these miserable vessels further, as it would have a clear right to do; but, in my mind, nothing that they could do would weigh a feather more upon the general result, which was now made certain.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Mr. Hunter to Mr. Adams.

No. 1437.] DEPARTMENT OF STATE,
Washington, June 3, 1865.

SIR: I have received your despatch of the 18th ultimo, No. 956, transmitting from various parts of the kingdom of Great Britain a large number of addresses and resolutions which have been called forth by the late deplorable events, together with an appended list of the same.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1438.] DEPARTMENT OF STATE,
Washington, June 3, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 19th of May, No. 962, with its accompanying copy of a correspondence between Earl Russell and the lords commissioners of her Majesty's treasury, revoking the order of his lordship of 31st January, made in regard to the entrance of United States vessels-of-war into British ports.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary,*

CHARLES FRANCIS ADAMS, Esq., &c., &c, &c.

Mr. Hunter to Mr. Adams.

No. 1439.] DEPARTMENT OF STATE,
Washington, June 3, 1865.

SIR: Your despatch of the 18th of May, No. 960, which is accompanied by a copy of the London Times of the 16th ultimo, containing a report of the answers made by ministers in both houses to inquiries respecting the withdrawal of the recognition of belligerent rights from the insurgents, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

[Extract.]

No. 1442.] DEPARTMENT OF STATE,
Washington, June 5, 1865.

SIR: You will receive herewith, for your information and guidance, two official copies of the order rescinding the passport regulation of the 17th of December, 1864. * * * * * *

Credible reports reach us through the press, from which it appears that the capitulation of the insurgents under Smith took place on the 25th ultimo.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Order modifying passport regulations.

DEPARTMENT OF STATE,
Washington, March 8, 1865.

Whereas, pursuant to the order of the President of the United States, directions were issued from this department, under date of the 17th of December, 1864, requiring passports from all travellers entering the United States, except immigrant passengers directly entering an American port from a foreign country; but whereas information has recently been received which affords reasonable grounds to expect that her Britannic Majesty's government and the executive and legislative branches of the government of Canada have taken, and will continue to take, such steps as may be looked for from a friendly neighbor, and will be effectual towards preventing hostile incursions from Canadian territories into the United States, the President directs that from and after this date the order above referred to requiring passports shall be modified, and so much thereof as relates to persons entering this country from Canada shall be rescinded, saving and reserving the order in all other respects in full force.

WILLIAM H. SEWARD.

Mr. Seward to Mr. Adams.

No. 1443.] DEPARTMENT OF STATE,
Washington, June 3, 1865.

SIR: I have received your despatch No. 957, of the 18th instant, enclosing a copy of the address of the chancellor, masters and scholars of the University of Oxford, to you as minister of the United States, expressing the abhorrence

with which they regard the assassination of President Lincoln; also a copy of an address emanating from the University of Cambridge, and inspired by the same event, expressive of their indignation at the crime, and their sympathy with the people of this country in the loss they have sustained. I have submitted these addresses to the President, and I am directed to inform you that he is happy to observe that they show a just sense of the character of the events which have plunged this nation into mourning, and a fraternal and generous sympathy eminently worthy of the exalted character of the sources in which they originated. Your replies are approved. The addresses will receive publicity by direction of the government, and will be very grateful to the people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
Washington, June 7, 1865.

SIR: It is proper that you should be informed that the Secretary of the Navy has, by direction of the President, issued orders to Rear-Admiral Goldsborough, who is about to start in the steamship Colorado, as commander of the United States squadron in European waters, to the following effect:

The admiral is charged not to enter any port, unless absolutely necessary, where belligerent privileges may be extended to the United States rebels, or where naval honors are, by governmental authority, withheld from the flag of the United States. If an emergency should compel him to enter such a port, he is to refrain from all courtesies required by the navy regulations in friendly foreign ports, unless to return salutes.

The admiral is also forbidden to exchange any of the customary courtesies with the officers of foreign governments whom he may meet, which governments extend belligerent privileges to the insurgents in this country, or deny customary naval courtesies to the United States.

It is proper that, as occasion may require, you should make this subject known to the proper persons in the country where you reside.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same to our principal ministers in Europe.]

Mr. Adams to Mr. Hunter.

No. 982.] LEGATION OF THE UNITED STATES,
London, June 8, 1865.

SIR: I have the honor to transmit a few more addresses and resolutions called forth by the late event of the assassination of President Lincoln, according to the list subjoined.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Addresses of condolence for the United States government, from Welsh Baptist Association, Southwood, Halifax, Burnham, Somerset, British Temperance League.

And for Mrs. Lincoln, from Southwood, near Halifax, British Temperance League.

[For enclosures see Appendix, separate volume.]

Mr. Adams to Mr. Hunter.

No. 983.] LEGATION OF THE UNITED STATES,
London, June 8, 1865.

SIR: I transmit herewith a copy of the London Gazette of the 6th, containing Lord Russell's note to the lords commissioners of the admiralty of the 2d instant, announcing the withdrawal of the recognition of belligerency. This is in accordance with the report of it, which I gave in my No. 977 of 2d of June, detailing the substance of my conversation with his lordship on that day. This course appears to have been concurrently adopted by the French government.

Thus is at last removed the grave cause of remonstrance commenced on the day of my very first conference with his lordship, in May, 1861, and persevered in at brief intervals, through the intervening period of four years. Precipitate and extraordinary as was the original act, the same characteristic has not attended the withdrawal. Possibly, even at this late moment, absolute consistency might have demanded a little further delay on account of the declared blockade yet continued on the coast of Texas. But inasmuch as the dates give the strongest reasons for believing that the original step was determined upon even prior to the first declaration of blockade, which has since been assigned as the justifying cause, the inconsistency is not more marked at the end than it was at the outset.

Inasmuch as the discussion of the claims for reparation occasioned by the war has now been pretty much exhausted on both sides, it may be reasonably expected that the labors of this legation will henceforth be considerably lightened. Upon this result I congratulate the department, upon which, of course, the whole of the direction involving a greater share of work necessarily devolves. Hereafter it would seem as if, at least on this side, little beyond ordinary discretion will be required to continue the relations between the two countries on a tolerably satisfactory footing.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[From the London Gazette of June 6, 1865.]

Copy of a letter from Earl Russell to the Lords Commissioners of the Admiralty.

FOREIGN OFFICE, *June* 2, 1865.

MY LORDS: I have the honor to state to your lordships, that since the date of my letter of the 11th ultimo intelligence has reached this country that the late President of the so-called Confederate States has been captured by the military forces of the United States, and has been transported as a prisoner to Fort Monroe, and that the armies hitherto kept in the field by the Confederate States have for the most part surrendered or dispersed.

In this posture of affairs her Majesty's government are of opinion that neutral nations cannot but consider the civil war in North America as at an end.

In conformity with this opinion, her Majesty's government recognize that peace has been restored within the whole territory of which the United States of North America before the commencement of the civil war were in undisturbed possession.

As a necessary consequence of such recognition on the part of her Majesty's government, her Majesty's several authorities in all ports, harbors, and waters belonging to her Majesty, whether in the United Kingdom or beyond the seas, must henceforth refuse permission to any

vessel-of-war carrying a confederate flag to enter any such ports, harbors, and waters; and must require any confederate vessels-of-war which, at the time when these orders reach her Majesty's authorities in such ports, harbors, and waters, may have already entered therein on the faith of proclamations heretofore issued by her Majesty, and which, having complied with the provisions of such proclamations, may be actually within such ports, harbors, and waters, forthwith to depart from them.

But her Majesty's government consider that a due regard for national good faith and honor requires that her Majesty's authorities should be instructed, as regards any such confederate vessels so departing, that they should have the benefit of the prohibition heretofore enforced against pursuit of them within twenty-four hours by a cruiser of the United States lying at the time within any such ports, harbors, and waters, and that such prohibition should be then and for the last time maintained in their favor.

If, however, the commander of any confederate vessel-of-war which may be found in any port, harbor, or waters of her Majesty's dominions at the time these new orders are received by her Majesty's authorities, or may enter such port, harbor, or waters within a month after these new orders are received, should wish to divest his vessel of her warlike character, and, after disarming her, to remain without a confederate flag within British waters, her Majesty's authorities may allow the commander of such vessel to do so at his own risk in all respects, in which case he should be distinctly apprised that he is to expect no further protection from her Majesty's government, except such as he may be entitled to in the ordinary course of the administration of the law in time of peace.

The rule as to twenty-four hours would, of course, not be applicable to the case of such vessel.

I have addressed a similar letter to the secretary of state for the home, colonial, India, and war offices, and also to the lords commissioners of her Majesty's treasury, requesting them, as I do your lordships, to issue instructions in conformity with the decision of her Majesty's government to the several British authorities at home or abroad who may be called upon to act in the matter.

I am, &c.,

RUSSELL.

NOTE.—A similar letter was addressed to the secretaries of state for the home, colonial, war, and India departments, and to the lords commissioners of her Majesty's treasury.

Mr. Hunter to Mr. Adams.

No. 1445.] DEPARTMENT OF STATE,
Washington, June 10, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 25th of May, (No. 965,) with its accompanying package of addresses and resolutions from various parts of Great Britain, a list of which is annexed to the despatch.

I am, sir, your obedient servant,

WILLIAM HUNTER,
Acting Secretary of State.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1447.] DEPARTMENT OF STATE,
Washington, June 10, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 25th ultimo, (No. 969.) The information you convey to this department in regard to the arrangements which were provided by the British authorities for the apprehension of the assassin Booth, in the event of his reaching her Majesty's dominions, is received with much satisfaction.

I am, sir, your obedient servant,

WILLIAM HUNTER,
Acting Secretary of State.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1448.] DEPARTMENT OF STATE,
Washington, June 10, 1865.

SIR: Your despatch of the 25th of May, (No. 967,) which is accompanied by a copy of a note of the 19th ultimo, addressed to you by Earl Russell, relative to demands made by the United States on the governor of the Bahamas for the extradition of Vernon Locke, has been received.

I am, sir, your obedient servant,

WILLIAM HUNTER.
Acting Secretary of State.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Hunter to Mr. Moran.

DEPARTMENT OF STATE,
Washington, June 13, 1865.

MY DEAR SIR: I have received your note, accompanied by a letter addressed to the President of the United States by the members of the lodge La Concorde, composed of Frenchmen residing at London, expressive of their feelings with regard to the assassination of the late President.

The explanation you give me regarding the mutilation of the seal of that letter is entirely satisfactory.

I am, my dear sir, your obedient servant,

WILLIAM HUNTER,
Acting Secretary of State.

BENJAMIN MORAN, Esq, *&c.*, *&c.*, *&c.*

Mr. Adams to Mr. Hunter.

No. 990.] LEGATION OF THE UNITED STATES,
London, June 15, 1865.

SIR: I have the honor to transmit a copy of the London Times containing a report of some remarks made in the House of Lords on the 12th instant, by Lords Derby and Russell, on the subject of the President's late proclamation closing the ports of Texas. These matters are so rapidly made obsolete, by the march of events, that it seems scarcely worth while to dwell on them particularly. If the United States ceases to carry on war, it necessarily ceases to be a belligerent, or to have belligerent rights; but it does not, thereby, debar itself from the right of pursuing on the ocean any vessel without a national character—*hostem humani generis*—which may be found attempting to destroy or plunder the merchant ships of the United States. This is legitimate work for all civilized nations, which are equally aggrieved by the presence of a pirate on the ocean. It is to be hoped that before this time the last of the vessels open to any such imputation will have been so disposed of as to put to rest all further agitation of the subject in connexion with the late rebellion.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[From the London Times of June 13, 1865.]

HOUSE OF LORDS, *Monday, June 12.*

AMERICAN BELLIGERENT RIGHTS.

The EARL OF DERBY, who was very indistinctly heard, said: I wish to ask the noble earl, the secretary for foreign affairs, a question with regard to two documents which have lately appeared in the public papers, having reference to American belligerent rights. The first of these documents appears to have been communicated by the noble lord himself to the different departments of government, and the second purports to be a copy of a proclamation of the President of the United States. The first document, addressed by the noble earl to government officials, was to the effect that, peace having been restored throughout the territory of the United States, the claim of the confederates to be regarded as belligerents must be taken to be henceforth abandoned. When that document was issued the statement it contained, that peace had been restored throughout the territory of the United States, was not quite accurate; but since the document was issued the confederate army, which was then in existence, and which was holding the extensive district on the further side of the Mississippi, and was said to be a powerful force, well organized, and capable of continuing the contest, has altogether surrendered, while the chief of the Confederate States, who for years has maintained a struggle against the whole power of the United States, and who represented a population of seven or eight millions, is now a prisoner in the hands of the federals, and is awaiting his trial. The statement contained in the document issued by the noble earl is, therefore, now practically correct. It may not be out of the way that I should express a hope, entertained not only by myself, but by the noble earl opposite, not only by this house, but by the country at large, and by the whole civilized world, that the party which has achieved so signal a victory will follow a course not directed by revenge or violence—that they may seek not to exasperate the feelings of their former antagonists, which have been already too much embittered; but will endeavor, by deeds of conciliation and of mercy, to re-cement, if possible, a union so nearly dissolved; and that they will consent to treat those whom the fortunes of war have placed at their disposal not as revolted subjects, but as vanquished, though not dishonored, enemies. [Loud cheers.] On the course taken by the United States will materially depend the estimation in which they will be held by the civilized world, so that this is a subject which cannot fail to be of vital importance to them. I now wish to call the attention of the noble earl to his reply the other evening to the question of the noble baron (Lord Houghton) who asked him whether, under the circumstances which had occurred, it was his intention still to continue to acknowledge the belligerent rights of the confederate States. The noble earl then gave an answer which was satisfactory to this house, namely, that the recognition of the belligerent rights of the confederate States by this country must depend entirely upon the course the United States themselves thought fit to adopt in the matter, and that as soon as the United States ceased to avail themselves of belligerent rights as against neutral commerce, this country would cease to acknowledge the belligerent rights of the Confederate States. Now, the proclamation of the President of the United States directs that certain ports are to be opened, but that others shall, for various and particular reasons, be closed for the present, and that the crew of any merchant vessel attempting to enter such closed ports shall be treated as pirates. No doubt the President of the United States exercises great power, but surely he does not possess the power of changing the international law of the world. He may either claim to exercise belligerent rights, and so establish a blockade, or he may make municipal regulations, excluding vessels from certain ports, but he cannot by force of a proclamation justify the infliction on those infringing these regulations the penalties attaching to piracy instead of those appertaining to smuggling. An assumption that any person guilty of an infringement of these regulations is to be guilty of piracy is one which it is impossible to pass unnoticed, and I therefore wish to ask the noble earl whether he has reason to believe that this alleged proclamation of the President of the United States is genuine; whether that proclamation has been communicated to him, and whether in that case he has taken any notice of it, and has protested against a doctrine which it is impossible for us to acknowledge, and whether he is prepared to communicate to Parliament any papers he has in his possession on the subject. I also wish to ask the noble earl how far the circular he has sent round is compatible with the answer he gave the other evening, in which he stated that belligerent rights would not be withheld from the confederate States so long as the United States put forward a claim to interfere with neutral commerce.

EARL RUSSELL, who was almost inaudible from the reporters' gallery, was understood to say: I will first state the circumstances under which the letter alluded to by the noble earl was issued. It appears that the noble earl has heard that the success of the federals has increased from day to day, and that the confederates were correspondingly less able to keep up the contest with their adversaries, and that the surrender of the entire armies of the latter was to be daily expected. Under these circumstances we had to consider what course we should

pursue. There was some difficulty in the matter, because we had no regular communication from the United States assuring us that, as regarded neutrals, belligerent rights on their part had been abandoned. On the other hand, there was great difficulty in our going on with the concession of belligerent rights, because of the entire cessation of war on the continent of America, and of the fact that there were two vessels, and only two—the Stonewall and the Shenandoah—which were supposed to be confederate cruisers. One of these was supposed, or understood, to have been disarmed and given up to the authorities at Havana; and the other, the Shenandoah, had put into various ports in the Australian colonies. Obviously it would have been an anomaly, when the war in America had entirely ceased, that the Shenandoah should be going about from port to port in the British dominions obtaining coals and provisions under the Queen's order of 1861. It was, under these circumstances, the question of putting an end to the belligerent rights came under the consideration of the Cabinet. Practically the whole of the American continent was under the authority of the government of the United States; and since then Galveston has been placed under that authority, and General Kirby Smith has surrendered; so that there is no force whatever under confederate authority. Before I wrote the letter to which the noble earl refers, I had an interview with Mr. Adams, the United States minister in this country, and I asked him whether his government were ready to abandon their belligerent rights. He said he had no instructions on the point, but he was convinced that his government were prepared to adopt that course. The communication made to the French government on this point was still more explicit. That being the state of affairs, we believed it was due to the United States and to our own position to adopt the course which I indicated in the letter to which the noble earl has called attention. I have no objection to lay the letter on the table. It has been published in the London Gazette, and it has been communicated to the maritime powers generally. I may add that from Madrid and Copenhagen, as well as from Paris, we have received communications expressing a concurrence in our views. With regard to the question of the noble earl on the subject of the proclamation of the President of the United States, I must say that the document is certainly a very curious one. [A laugh.] While, no doubt, it is right enough to announce in the proclamation that after a certain date, namely, the 1st of July, the southern ports will all be open to foreign commerce, the reason given for the delay being the necessity for making certain custom-house arrangements, the sentence at the end of the proclamation with regard to piracy is somewhat startling. Sir Frederick Bruce states he has been advised that, according to the American law, persons attempting to enter those ports could not be convicted of piracy for that act; and that if persons should be arrested while attempting to enter them, no court can find those parties guilty of piracy. We must, therefore, presume that it is only intended to hold this threat *in terrorem* over parties who might be disposed to make the attempt. In the letter which I wrote it is stated that within a certain time vessels sailing under the confederate flag will be permitted to enter our ports and disarm. At the same time, her Majesty's government do not pretend to in any way interfere with the legal rights of the United States. As to what the noble earl has said with respect to the action of the American government, I took occasion, when speaking on the assassination of President Lincoln, to express my great regret that a man whose views appeared to be so just, and who had so pledged himself to a course of mercy, should have been taken away at the moment when he could have put into practice those principles to which he had expressed so firm an adherence. I would again express my opinion that for the peace of the United States and of the world, it is most desirable there should be no appearance of passion on the part of those who have now the guidance of the affairs of the American nation. [Hear.]

The EARL OF DERBY. The noble earl has not answered my question as to the proclamation threatening a penalty not warranted either by the law of America or by international law. The noble earl presumes that this proclamation is held *in terrorem* over persons who might be disposed to enter those ports; but I want to know whether there has been any official explanation of a threat which it is not competent to the American government to carry out, and which is entirely opposed to law. The document has been published in an official form to the whole world, and it is hardly consistent with our position that no notice should be taken of it.

EARL RUSSELL. It can hardly be said that no notice has been taken of it, as we have this despatch of Sir F. Bruce.

LORD REDESDALE wished to know whether there was any chance of American cruisers treating ships which might be found infringing the proclamation as pirates.

Earl Russel's reply was inaudible.

The EARL OF DERBY asked whether the noble earl would lay the documents on the table.

Earl Russell was understood to say "yes."

The subject then dropped.

Mr. Adams to Mr. Hunter.

No. 991.] LEGATION OF THE UNITED STATES,
London, June 15, 1865.

SIR: I have the honor to transmit a very few more addresses and resolutions called forth by the late event in the United States.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WM. HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Addresses, &c., for the President, from Northwestern Association of Baptist Churches, inhabitants of White Haven, the Anglesey Baptist Association, St. Andrews.

Addresses, &c., for Mrs. Lincoln, from inhabitants of White Haven, the Anglesey Baptist Association, St. Andrews.

[For enclosures see Appendix, separate volume.]

Mr. Adams to Mr. Hunter.

No. 993.] LEGATION OF THE UNITED STATES,
London, June 15, 1865.

SIR: There is little going on here at this time upon which it seems necessary to make a special report. The Parliament is drawing upon its last days, and the interest of the members of the popular branch is concentrated much more outside than within the walls. There is very active personal competition, but not much partisan division. Although numerous changes will take place, it is not expected that the political complexion of the body will be materially varied. Neither party, as such, will be more likely to have a working majority in the next than it has had in this. My own impression, however, is that there will will be some accession of strength to the liberal side.

The most universal topic of conversation is, as usual, connected with our affairs in America. The intense interest manifested in the fate of Mr. Davis is one of the phenomena of this remarkable era. On one side, it is not extraordinary that those who sympathize with his action and hoped for his success should now deplore and earnestly desire to soften the severity of his fate. The feeling on the part of that class which has been friendly to us is of a different kind, but not less ardent in the same direction. They deprecate any application of a capital penalty at all, as if it was about to degrade the whole character of the struggle by a mere indulgence of savage passion in our triumph. To everybody here, almost without exception, the struggle appears now to resolve itself into a mere civil war, for which both sides are almost equally to blame, and which they are to conclude by a general agreement to shake hands, forgive and forget. It appears to me that such a conclusion to be drawn from it would be only second in its evil consequences to the triumph of the rebellion. There is, if I mistake not, a principle at the bottom, which cannot be too clearly and broadly laid before the eyes of the present and all future generations. That principle is the permanence of the Union, a principle never to be attacked by brute force without some penalties to the offenders. The right of separation by consent is one thing; that of revolution under intolerable wrongs is another. But that of secession for any fancied grievance, such as the election of a Chief Magistrate in conformity with every constitutional requirement, or the apprehension of some pos-

sible policy in the distant future, is so utterly indefensible in every point of view, that I can regard the attempt to carry it out by arms as nothing else than that crime of treason so carefully defined in the Constitution to meet precisely such a contingency.

I have endeavored to meet all the representations that have been made to me on the subject with moderation and good humor. Carefully disavowing the indulgence of the slightest acrimonious feeling toward Mr. Davis, or any of his associates, I have expressed the hope that the ends of justice might be satisfied with the least possible effusion of human blood. We have had enough of slaughter and of public and private misery. Especially had a severe retribution already been visited upon these misguided people, who had, by their wanton obstinacy, brought it all upon the country. If even Mr. Davis could be disgraced and then suffered to sink into oblivion without seriously impairing the force of the example in the view of later generations, I should be perfectly content. This, however, opened a most grave and solemn question. If Mr. Davis, having, under all the safeguards of our laws, undergone a trial for his offence, should be proved guilty, condemned, and sentenced to suffer the last penalty, the responsibility of interposition would then devolve upon the President. I had no doubt that he would meet it with the dignity and impartiality that became his office. Neither was I disposed to believe that, whatever it might be, his decision, if given in the manner indicated, would be attended by any of the evil consequences to the reputation of our country, all over civilized Europe, which seemed to be a matter of so much concern to our enemies, not less than our friends.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1454.] DEPARTMENT OF STATE,
Washington, June 19, 1865.

SIR: I transmit for your information a copy of a correspondence between Sir Frederick W. A. Bruce and this department, and of a letter of this date which I have addressed to the Secretary of the Navy, on the subject of the withdrawal by Great Britain of the concession of belligerent rights to the insurgents.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c*

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 19, 1865.

SIR: Due consideration has been given to a despatch which Earl Russell addressed to you on the 2d of June, instant, and of which, on the 14th instant, you were so kind as to leave a copy at this department. The President is gratified by the information which that paper contains to the effect that her Majesty's government has determined to consider the war which has lately prevailed between the United States and the insurgents of this country to have ceased *de facto*, and that her Majesty's government has recognized the re-establishment of peace within the whole territory of which the United States were in undisturbed possession at the beginning of the civil war.

The President is also gratified to learn from Earl Russell's despatch that her Majesty's government will forthwith send to her Majesty's authorities in all ports, harbors, and waters be-

longing to her Majesty, whether in the United Kingdom or beyond the seas, orders henceforth to refuse admission into any such ports, harbors, and waters, of any vessel-of-war carrying the insurgent flag, and to require any insurgent vessels-of-war which, after the time that the orders may be received by her Majesty's authorities, may have already entered such ports, and which, having complied with the previous proclamations of the British government, may be actually within such ports, harbors, and waters, forthwith to depart from the same.

It is with regret, however, that I have to inform you that Earl Russell's aforesaid despatch is accompanied by some explanations and reservations, which are deemed unacceptable by the government of the United States.

It is hardly necessary to say that the United States do not now admit what they have heretofore constantly controverted, that the original concession of belligerent privileges to the rebels by Great Britain was either necessary or just, or sanctioned by the law of nations.

The correspondence which took place between this government and that of her Majesty at an early stage of the insurrection shows that the United States deemed the formation of a mutual engagement by Great Britain with France, that those two powers would act in concert with regard to the said insurrection, to be an unfriendly proceeding, and that the United States, therefore, declined to receive from either of those powers any communication which avowed the existence of such an arrangement. I have, therefore, now to regret that Earl Russell has thought it necessary to inform this government that her Majesty's government have found it expedient to consult with the government of France upon the questions whether her Majesty's government will now recognize the restoration of peace in the United States.

It is a further source of regret that her Majesty's government avow that they will continue still to require that any United States cruisers which shall hereafter be lying within a British port, harbor, or waters, shall be detained twenty-four hours, so as to afford an opportunity for an insurgent vessel, she actually being within the said port, harbor, or waters, to gain the advantage of the same time for her departure from the same port, harbor, or waters.

It is a further source of regret that her Majesty's government have deemed it proper to make the additional reservation in favor of insurgent vessels-of-war that for the period of a whole month, which shall elapse after the new orders now to be issued by her Majesty's government shall have been received by the said authorities, any insurgent vessel which may be found in, or may enter any port, harbor, or waters of her Majesty's dominions, and which may desire to divest itself of its warlike character and to assume the flag of any nation recognized by her Majesty's government with which her Majesty is at peace, will be allowed to do so; and further, that such vessels, after disarming themselves, will be permitted to remain in such ports, harbors, or waters without an insurgent flag, although the twenty-four-hours rule will not be applicable to the cases of such vessels. Far from being able to admit the legality or justice of the instruction thus made, it is my duty to inform your excellency that, in the first place, the United States cannot consent to an abridgment of reciprocal hospitalities between the public vessels of the United States and those of Great Britain. So long as her Majesty's government shall insist upon enforcing the twenty-four-hours rule before mentioned, of which the United States have so long, and, as they think, so justly complained, the United States must apply the same rule to public vessels of Great Britain.

Again, it is my duty further to state that the United States cannot admit, and, on the contrary, they controvert and protest against, the decision of the British government which would allow vessels-of-war of insurgents or pirates to enter or to leave British ports, whether for disarmament or otherwise, or for assuming a foreign flag or otherwise. As to all insurgent or piratical vessels found in ports, harbors, or waters of British dominions, whether they entered into such ports, harbors, or waters before or after any new orders of her Majesty's government may be received by any authority of her Majesty's government established there, this government maintains and insists that such vessels are forfeited to and ought to be delivered to the United States, upon reasonable application in such cases made, and that if captured at sea, under whatever flag, by a naval force of the United States, such a capture will be lawful.

Notwithstanding, however, the exceptions and reservations which have been made by her Majesty's government, and which have been herein considered, the United States accept with pleasure the declaration by which her Majesty's government have withdrawn their former concession of a belligerent character to the insurgents; and this government further freely admits that the normal relations between the two countries being practically restored to the condition in which they stood before the civil war, the right to search British vessels has come to an end by an arrangement satisfactory in every material respect between the two nations.

It will be a source of satisfaction to this government to know that her Majesty's government have considered the views herein presented in a spirit favorable to the establishment of a lasting and intimate friendship between the two nations.

I have the honor to be, with the highest consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. SIR FREDERICK W. A. BRUCE, *&c., &c., &c.*

ımmunicated by the British legation, June 14, 1865, and referred to in the preceding note.]

FOREIGN OFFICE, *June* 2, 1865.

IR: I received, on the 25th ultimo, your despatch of the 10th ultimo, enclosing a copy, en from a newspaper, of a proclamation issued by the President of the United States on t day, declaring, among other matters, that "armed resistance to the authority of this ernment," viz: the government of the United States, "may be regarded as virtually ın end, and the persons by whom that resistance, as well as the operations of insurgent isers, were directed are fugitives or captives."

)n the day following the receipt of your despatch intelligence reached this country of the ıture of President Davis by the military forces of the United States.

n this state of things her Majesty's government lost no time in communicating with the ernment of the Emperor of the French as to the course which should be pursued by the) governments; and while these communications were in progress I received officially from . Adams, on the 30th ultimo, a copy of the President's proclamation of the 10th.

t would, indeed, have been more satisfactory if the government of the United States had ompanied the communication of the President's proclamation with a declaration that they nally renounced the exercise, as regards neutrals, of the rights of a belligerent; but her jesty's government considers that, in the existing posture of affairs, the delay of any nal renunciation to that effect did afford to neutral powers sufficient warrant for continu- to admit the possession of a belligerent character by a confederation of States which had n actually dissolved. The late President of the so-called Confederate States has been ıtured, and transported as a prisoner to Fort Monroe; the armies hitherto kept in the field the Confederate States have for the most part surrendered or dispersed; and to continue ecognize those States as belligerents would not only be inconsistent with the actual con- on of affairs, but might lead to much embarrassment and complication in the relations ween the neutral powers and the government of the United States.

Ier Majesty's government have accordingly, after communication with the government he Emperor of the French, determined to consider the war which has lately prevailed ween the United States and the so-called Confederate States of North America to have sed *de facto*, and on that ground they recognize the re-establishment of peace within the ole territory of which the United States, before the commencement of the civil war, were ındisturbed possession.

ıs a necessary consequence of this recognition her Majesty's government will forthwith d to her Majesty's authorities in all ports, harbors, and waters belonging to her Majesty, ether in the United Kingdom or beyond the seas, orders henceforth to refuse admission) any such ports, harbors, and waters of any vessel-of-war carrying a confederate flag, l to require any confederate vessels-of-war which, at the time that the orders may be re- ved by her Majesty's authorities, may have already entered such ports, harbors, and ters on the faith of proclamations heretofore issued by her Majesty, and which, having ıplied with the provisions of such proclamations, may be actually within such ports, har- s, and waters, forthwith to depart from the same.

But in adopting this decision, as regards confederate vessels-of-war found within British ts, harbors, and waters when the orders are received by her Majesty's authorities, her jesty's government considers that a due regard for national good faith and honor requires t her Majesty's authorities should be instructed that any confederate vessels-of-war so re- red to depart should, on their departure, have the benefit of the prohibition heretofore en- ced against their being pursued within twenty-four hours by a cruiser of the United ıtes, lying at the time within the same port, harbor, and waters; and that such prohibition ıuld be then and for the last time maintained in favor of such confederate vessels-of-war.

r Majesty's government cannot anticipate any objection being made by the government he United States to this reserve when the ground on which it is adopted is explained to ıt government.

Ier Majesty's government have, however, thought it right to provide for the contingency the commander of any confederate vessel-of-war which may be found in any port, harbor, waters of her Majesty's dominions at the time when these new orders are received by her jesty's authorities, or may enter such port, or harbor, or waters within a month after these v orders are received, desiring to divest his vessel of her warlike character, and to assume flag of any nation recognized by her Majesty's government as in a state of peace with Majesty; and in such a case her Majesty's authorities will be authorized to allow the nmander of the vessel to do so; and after disarming her, to remain without a confederate r, within British waters, at his own risk in all respects; in which case such commander l be distinctly apprised that he is to expect no further protection from her Majesty's gov- ment, except such as he may be entitled to in the ordinary course of the administration of law in time of peace. The rule as to twenty-four hours would not be applicable to the e of such vessel.

have to instruct you to lose no time in making known to the government of the United tes, by communicating to the Secretary of State a copy of this despatch, the course of

action on which her Majesty's government have decided, and which, they doubt not, will be agreeable to the government of the United States. But in making this communication to the Secretary of State, you will add, that her Majesty's government have adopted this course under the full persuasion that the government of the United States will, on their part, at once desist from exercising towards neutrals the rights of blockade, and of search and detention of neutral vessels on the high seas, which can be lawfully exercised by belligerents alone, and which a power not engaged in warfare cannot, under the law of nations, assume to exercise.

I have, &c., RUSSELL.

Hon. SIR FREDERICK BRUCE, G. C. B., &c., &c., &c.

Mr. Seward to Mr. Welles.

DEPARTMENT OF STATE,
Washington, June 19, 1865.

SIR: I have the honor to transmit for your information a correspondence between Sir Frederick W. A. Bruce and this department upon the subject of the withdrawal of the pretended concession of belligerent rights to the insurgents. In view of this correspondence, I suggest, therefore, that you communicate to the naval officers of the United States the results following therefrom, namely: First, Great Britain withdraws her concession, heretofore made, of a belligerent character, from the insurgents. Secondly, that the withdrawal of the twenty-four-hours rule has not been made absolute by Great Britain, and that therefore the customary courtesies are not to be paid by our vessels to those of the British navy. Thirdly, the right of search of British vessels is terminated. (Of course this has no bearing upon the operations of the existing slave trade treaty.) Fourthly, any insurgent or piratical vessels found on the high seas may be lawfully captured by vessels of the United States.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. GIDEON WELLES, *Secretary of the Navy.*

Mr. Hunter to Mr. Adams.

No. 1456.] DEPARTMENT OF STATE,
Washington, June 21, 1865.

SIR: Referring to my despatch to you of the 8th ultimo, No. 1398, enclosing a copy of a communication of the 1st of May, from the War Department, relating to the information derived from Ernest W. Pratt and Robert Green, concerning the proceedings of the steamer City of Richmond in transferring arms and men to the iron-clad Olinde, I now enclose for your further information, and such use as you may deem proper, an authenticated copy* of a communication of the 1st instant, from Sir Frederick Bruce, which contains the deposition of six of the crew of the steamer referred to in support of a statement made by Pratt and Green. This paper, as it stands, may be found useful, but it is suggested to you to obtain, if practicable, further affidavits from the same parties as to the part the City of Richmond took in supplying the Olinde with equipment and crew.

Your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Hunter.

No. 996.] LEGATION OF THE UNITED STATES,
London, June 22, 1865.

SIR: I have the honor to transmit a few more addresses, &c., on the assassination of the late President. As this process has now pretty much come to an

* See correspondence with British legation.

end, the probability is that you already have all the means in your power to decide upon the most advisable and compendious mode of acknowledgment.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Addresses, &c., for the President, from Cardiff, and Boston, Lincolnshire.
Addresses, &c., for Mrs. Lincoln, from The Ladies' Negroes' Friend Society, Cardiff.

The following resolution was passed unanimously at a pubic meeting in Cardiff, on the 12th of June, 1865, after a lecture delivered by the Rev. J. S. Balmer, of Bridgewater, on the late President Lincoln and his assassination:

"That this meeting desires to express its horror and indignation at the assassination of Abraham Lincoln, the late distinguished President of America, and to assure the bereaved widow and the American people of its deepest sympathy with them in this hour of great trial. It would further express the ardent prayer that America may yet come out of this struggle trusting in God, who has hitherto been its helper, and that guided by Him, it may be led to permanent peace, great prosperity, and entire national freedom."

[For above enclosures see Appendix, separate volume.]

Mr. Hunter to Mr. Adams.

No. 1462.] DEPARTMENT OF STATE,
Washington, June 24, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 8th instant, No. 982, enclosing a further number of addresses and resolutions occasioned by the deplorable events which took place in this city on the night of the 14th of April last.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1463.] DEPARTMENT OF STATE,
Washington, June 24, 1865.

SIR: I have to acknowledge with thanks the receipt of your despatch of the 9th instant, enclosing copies of the correspondence growing out of the engagement between the Kearsarge and Alabama, and of that in relation to the change of form of exequaturs adopted by this government for British consuls, which her Majesty's government have recently published. Also transmitting late official papers on the slave trade and on the hostilities in the river Plate.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1464.] DEPARTMENT OF STATE,
June 26, 1865.

SIR: I transmit herewith for your information, and that of the government to which you are accredited, two copies of the President's proclamation of the 23d instant relative to the blockade.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

[Rescinding the blockade as to all ports of the United States, including that of Galveston.—June 23, 1865.]

By the President of the United States of America.

A PROCLAMATION.

Whereas, by the proclamation of the President of the nineteenth and twenty-seventh of April, eighteen hundred and sixty-one, a blockade of certain ports of the United States was set on foot; but, whereas the reasons for that measure have ceased to exist:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States, do hereby declare and proclaim the blockade aforesaid to be rescinded as to all the ports aforesaid, including that of Galveston and other ports west of the Mississippi river, which ports will be open to foreign commerce on the first of July next, on the terms and conditions set forth in my proclamation of the twenty-second of May last.

It is to be understood, however, that the blockade thus rescinded was an international measure for the purpose of protecting the sovereign rights of the United States. The greater or less subversion of civil authority in the region to which it applied, and the impracticability of at once restoring that in due efficiency, may, for a season, make it advisable to employ the army and navy of the United States towards carrying the laws into effect wherever such employment may be necessary.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-third day of June, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States of America the eighty-ninth. [SEAL.]

ANDREW JOHNSON.

By the President:
W. HUNTER, *Acting Secretary of State.*

Mr. Hunter to Mr. Adams.

No. 1467.] DEPARTMENT OF STATE,
Washington, June 27, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 8th of June, No. 983, transmitting a copy of the London Gazette of the 6th instant, containing Earl Russell's note to the lords commissioners of the admiralty, announcing the withdrawal of the recognition by her Majesty's government of belligerent rights to the rebels.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1469.] DEPARTMENT OF STATE,
Washington, June 30, 1865.

SIR: Your despatch of the 15th instant, No. 991, accompanied by a further number of addresses and resolutions called forth by the late events in this country, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1470.] DEPARTMENT OF STATE,
Washington, July 3, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch of the 18th of June, No. 990, together with a copy of the debate which occurred in the House of Lords on the subject of a proclamation of the President of the United States, which temporarily closed the ports in Texas.

Events which have occurred since that proclamation was issued here have disposed of all the questions which were raised in the debate referred to, and comment upon the singular positions assumed therein by British statesmen has become unnecessary.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1471.] DEPARTMENT OF STATE,
Washington, July 3, 1865.

SIR: Your despatch of the 15th of June, No. 993, has been received.

I have read with pleasure your remarks upon the question what penalty ought to be imposed upon Jefferson Davis, which question is so universally and so earnestly discussed in Europe. Your sentiments are deemed just and wise.

For your information, I give you a copy of a despatch* which was addressed by me to Mr. Bigelow, when the European debates upon the question were first brought to my attention. It is proper to say, also, that the subject yet remains in the condition which was mentioned in that despatch. It has not yet been deemed necessary to leave the business of re-organization, to consider the case of the extreme offenders against the laws.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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*See instruction No. 167 to Mr. Bigelow.

Mr. Seward to Mr. Adams.

No. 1473.] DEPARTMENT OF STATE,
Washington, July 3, 1865.

SIR: I enclose for your information a copy of a letter of the 22d ultimo addressed by the Secretary of the Navy to Rear-Admiral Goldsborough upon the subject of the withdrawal from the insurgents of the character of belligerents, and the proceedings of the Navy Department in view thereof.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Welles to Rear-Admiral Goldsborough.

NAVY DEPARTMENT, *June* 22, 1865.

SIR: Information has been communicated to this department by the Secretary of State that the imperial government of France has moved all restrictions heretofore imposed by it upon naval intercourse with the United States, and has withdrawn from the insurgents the character of belligerents.

The government of Great Britain also withdraws her concession heretofore made of a belligerent character from the insurgents, but the withdrawal of the twenty-four-hours rule has not been made absolute; reciprocal measures will be extended to the vessels of that country.

The blockade of the ports and coast of the United States will soon cease, and with the cessation of hostilities the belligerent right of search will also cease.

Very respectfully,

G. WELLES, *Secretary of the Navy.*

Rear-Admiral L. M. GOLDSBOROUGH,
Commanding European Squadron.

Mr. Adams to Mr. Seward.

No. 1007.] LEGATION OF THE UNITED STATES,
London, July 6, 1865.

SIR: I have the honor to transmit an address from the Welsh Baptist Association, Cardiff, and likewise the resolutions adopted by the Annual Conference of the Methodist new connexion, at Newcastle-on-Tyne.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[For enclosures see Appendix, separate volume.]

Mr. Seward to Mr. Adams.

[Circular.]

DEPARTMENT OF STATE,
Washington, July 8, 1865.

SIR: The military commission appointed to try the conspirators against the lives of the late and of the present President, of members of the cabinet and others, has brought its proceedings to a close by sentencing Mary E. Surratt

Lewis Payne, David E. Herold, and George Atzerodt, to death by hanging; Samuel A. Mudd, Michael O'Laughlin, and Samuel Arnold to imprisonment at hard labor for life, and Edward Spangler to imprisonment for the term of six years at hard labor.

The sentence against the four first-named persons was yesterday carried into effect.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to our principal ministers abroad.]

Mr. Adams to Mr. Hunter.

[Extract.]

No. 1009.] LEGATION OF THE UNITED STATES,
London, July 13, 1865.

SIR: * * * * * *

In respect to the suggestion contained in despatch No. 1456 of the 20th of June, I have to inform you that I have taken the necessary steps to obtain, if possible, the further information desired from the persons who made depositions respecting the part taken by the steamer City of Richmond in supplying the Olinde, otherwise known as the Stonewall, with equipment and crew.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Mr. Adams to Mr. Hunter.

No. 1010.] LEGATION OF THE UNITED STATES,
London, July 13, 1865.

SIR: I have the honor to transmit further resolutions of condolence—one from the Annual Association of Independent Ministers of the counties of Carmarthen, Cardigan, and Pembroke; the other from the representatives of the General Baptist churches of England, and also an address from the Freedmen's Aid Society of London.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

[For enclosures see Appendix, separate volume.]

Mr. Adams to Mr. Hunter.

No. 1011.] LEGATION OF THE UNITED STATES,
London, July 13, 1865.

SIR: On the 5th instant I received notice from Captain Britton, the consul at Southampton, that the notorious steamer Rappahannock, so long confined at Calais, had suddenly made its appearance at that place in the guise of a British

steamer called the Beatrice. On learning this, I caused the information to be sent to Captain Walke, of the Sacramento, and accompanied it with a copy of Mr. Seward's published note to Sir Frederick Bruce, of the 19th of June, as a guide to regulate his action.

On the 9th I obtained intelligence from the consul at Liverpool that the steamer had succeeded in getting to that port. Likewise that a considerable quantity of cotton had arrived in another steamer from Havana, which there was strong reason to believe belonged to the late rebel authorities at Richmond.

On the 10th Captain Walke wrote to me, making a report of his proceedings in respect to the Beatrice. It appears that he had succeeded in identifying her while on her passage from Southampton to Liverpool, but in a situation so undeniably within the limits of the British jurisdiction that he did not deem it prudent to interpose.

I replied to Captain Walke, approving of his caution, and at the same time advising him to be on the watch to seize the vessel, if he could be sure of her identity, should she appear anywhere on the high seas. But I did not omit to add a caution about venturing upon the exercise of any right of search in his pursuit.

Meanwhile I thought it best to send instructions to the consul at Liverpool to take the best professional advice as to the practicability of entering a preliminary proceeding against this property under the regular forms of law. I have reason to believe that the law officers of the Crown had expressed an opinion to the government that any such property found in British ports after a certain time might be subject to claim by the United States. Yet not finding myself vested with any express authority to go to that extent, I have preferred not to commit the government at this time further than to propose that such proceedings should be commenced as might avail to attach the property, and place it in a secure position until specific instructions could be received from Washington. The consul has apprised me that the necessary steps have been taken to obtain advice, but the result has not yet come to hand. I trust that, so far as I have gone, my action will not be disapproved.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Mr. Adams to Mr. Hunter.

No. 1014.] LEGATION OF THE UNITED STATES,
London, July 13, 1865.

SIR: The public attention has been this week absorbed in the elections of members to the new Parliament; a large number have taken place in the cities and boroughs of the kingdom, the general result of which, thus far, corresponds with the impression heretofore expressed in my letters, that no essential change in the political complexion of the body was likely to be made. The ministerial party has rather gained than lost in the class of elections in which the chances were most against them. The counties have now to vote, in which the probabilities lean the other way. The same is the case both in Scotland and in Ireland. So that, as a general conclusion, it may be assumed as certain that the ministry under Lord Palmerston will be continued at least so long as he remains in public life, and that in case of his retirement little chance is left of any form of pure conservative reconstruction. The best which that party can now look for is to join some combination of moderate men, made up from both sides for the

purpose of resisting the advance of the radical element. Such an issue appears to me by no means unlikely. There is really no difference in principle to prevent it.

One aspect of the election is particularly deserving of out notice in America. None of those who have been marked by their disposition in Parliament to preserve friendly relations with the United States appear to have lost any ground on account of it; while, in the populous London constituencies, the accession of not less than four new members, well known for their decided good will, is a significant circumstance. Of these, Mr. J. S. Mill is the most distinguished example. Mr. Hughes and Mr. Torrens are also, both of them, n en of superior character and accomplishments, who will give much strength to the liberal element of the popular party. The success of Professor Fawcett at Brighton is another indication of the same kind. Mr. Bright, Mr. Foster, and Mr. Potter have been returned without opposition. It is not unfair to infer that the termination of our struggle has not been without its effect on this result. At the time when I first reached this country, in 1861, the character of the elections, then taking place, to fill casual vacancies, was such, in consequence of the general impression that the "bubble of democracy had burst in America," as to fill the conservatives with hopes of what they denominated a strong reaction. It was this feeling which really lay at the root of all their views of our struggle. Had the Parliament been dissolved at any time prior to July, 1863, there can be little doubt that it would have had a considerable effect on the issue. As it is, I cannot resist the belief that this period marks an era in the political movement of Great Britian. Pure old-fashioned conservatism has so far lost its hold on the confidence of the country that it will not appear in that guise any more. Unless some new and foreign element should interpose, I look for decided progress in enlarging the popular features of the constitution, and diminishing the influence of the aristocracy. Already the great increase of wealth in new hands, outside of its limits, has much diminished its relative importance in the social scale, and driven it to the necessity of husbanding its accumulations to keep pace with this late competition. The extraordinary deference formerly paid to mere rank, without regard to personal qualities, is much worn away. It is impossible not to perceive traces of the influence of our institutions upon all these changes. Hence the deep interest which has been taken in all quarters in the events that are happening in America. The hopes that our restoration may yet be prevented, though not sanguine as they were, have not altogether died away. If this were fully understood among us, the duty of an entire co-operation of all parties to effect a re-establishment as promptly as possible would doubtless be more strongly felt. The progress of the liberal cause, not in England alone, but all over the world, is, in a measure, in our hands. It may be said to have escaped the dangers to it created by the war. But its vigor and energies remain to be developed much in the degree that we appear to surmount the difficulties that still beset us. I cannot doubt that, in the midst even of the saddest scenes of desolation in the southern States, if a sense of the consciousness of this responsibility were to be found, it would have its effect in stimulating the people to hasten a speedy and effective reorganization. In respect to its capabilities of future social development, now that slavery is removed, there is a universal conviction that no such country is to be found elsewhere on the globe.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

WILLIAM HUNTER, Esq.,
Acting Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1015.] LEGATION OF THE UNITED STATES,
London, July 20, 1865.

SIR: * * * * * * * * * * *

Little has taken place during the week that is deserving of notice. The issue of the elections thus far has proved much more favorable to the ministers than had been anticipated. The calculations of those supposed to know best did not at the outset go beyond a gain of ten votes. It appears likely to be twice as great. Hence, if the majority can be depended on to keep together, it will prove quite large enough to effect a return to something like a positive system of policy.

The defeat of Mr. Gladstone at Oxford is by no means the least important of the results of this struggle. That connexion had become an unnatural one, and its severance will prove a relief to both sides.

The barrier is removed to the consolidation of the liberal section of the ministerialists, under the lead of that gentleman. Whether it become successful in engrafting its policy upon the whole party, or be driven into opposition in a minority, in either event the effect will probably be to infuse once more something beyond merely personal objects into the political movements of the country. The first indication of this change will doubtless be the renewal of an attempt at revisal of the representation in the Commons. Some measure of that kind cannot be much longer delayed. The obstructions to it will rather be raised upon the details inseparably connected with every scheme, than against the principle itself. The bugbear held up on all occasions is the Americanizing the old English institutions. Nevertheless, it is tolerably evident that to a certain extent Americanized they will be, if the proof continues to flow in that America furnishes the best example of a successful application of the true principles of government to the advancement of the human race.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1016.] LEGATION OF THE UNITED STATES,
London, July 20, 1865.

SIR: In my despatch No. 1011, of the 13th instant, I made a report of the proceedings I had authorized the consul at Liverpool to commence in relation to certain property of the rebels believed to be lying in the port of Liverpool, with a view to get possession of it on behalf of the United States. Since that date Mr. Dudley has obtained the aid of the highest professional advice, as I desired. The opinions given were so unequivocal, that I have directed the further steps to be taken as pointed out by the distinguished counsel. I have the honor to transmit copies of the consul's letters and of the legal opinions. It will be perceived that the claims have been gradually extended so as to embrace much more property than was originally in contemplation. In this process I have gone rather faster than I intended at the outset. But as the law is proverbially slow, I fancy there will still be time to learn the wishes of the government, before we get very far towards a decision.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Mr. Wilding to Mr. Adams, July 11, 1865.
2. Mr. Dudley to Mr. Adams, July 14, 1865.
3. Legal opinions of Dr. Twiss and Mr. Lush—cotton by the Aline—July 12 and 13, 1865.
4. Mr. Druce's opinion on the same, July 13, 1865.
5. Bills of entry of Aline's cotton.
6. Dr. Twiss and Mr. Lush—the Rappahannock or Beatrice—July 12 and 13, 1865.
7. Mr. Wilding to Mr. Adams, July 17, 1865.
8. Dr .Twiss and Mr Lush—Tallahassee—July 14, 1865.
9. The same on the Sumter, July 14, 1865.
10. Mr. Wilding to Mr. Adams, July 18. 1865.
11. Harvey. Jervis & Ryley, on McDowall and Halliday's course about the cotton, July 18, 1865.

[Enclosure No. 1.]

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 11, 1865.

SIR: I beg to acknowledge the receipt of your letter of the 10th instant.

In compliance with the directions contained in it, I have instructed Messrs. Harvey, Jervis & Ryley to submit the cases of the Beatrice and the cotton on board the Aline for the opinion of counsel immediately.

In the mean time, the Aline having arrived to-day, I am advised that it will be advisable to serve notices on the master, consignee, &c.. of the vessel, and the consignees of the cotton I have also instructed Messrs. Harvey & Co. to submit as separate cases the cases o the Sumter and Tallahassee, now here, but to proceed no further with respect to them until further instructed.

Very respectfully, I am, sir, your obedient servant,

H. WILDING, *Vice Consul.*

His Excellency CHARLES FRANCIS ADAMS, *&c., &c., &c.*

[Enclosure No. 2.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 14, 1865.

SIR: I have the honor to enclose you copies of the opinions of the counsel who have been retained in the case of the cotton brought here, and supposed to be the property of the so-called, but now defunct, confederate government, and of the steamer Rappahannock, now called the Beatrice.

It is proper for me to inform you, in connexion with the opinions about the cotton, that Malcomsons, the consignees of the ship, have informed my attorneys that they have no interest in the cotton itself, further than to secure the freight. My attorneys have also been informed that Frazer, Trenholm & Co. claim it all but one hundred and two bales, which are claimed by McDowall & Halliday. These parties—I mean Messrs. Frazer, Trenholm & Co., and McDowall & Halliday. have given notice to the consignees of the vessel of suits to recover the possession of this cotton. My attorneys are of the opinion that we should commence a suit in chancery immediately, and say, from the new state of facts brought out by our notices, counsel will advise this course. I have, therefore, instructed them to commence it.

The counsel are of the opinion that the steamer Rappahannock now belongs to the United States, and recommend me to institute a suit in the admiralty court of this country to recover the possession. Shall I do it?

I am, sir, very respectfully, your obedident servant,

THOMAS H. DUDLEY.

Hon. CHARLES F. ADAMS *United States Minister, London.*

[Enclosure No. 3.]

Ex parte.—The United States Consul at Liverpool.

THE ALINE.

Counsel are requested to advise the United States consul—

1. Whether the cotton brought by the Aline now belongs to the government of the United States.

2. If it do, what steps, whether by bill in chancery for an injunction or by suit in admirality or otherwise, should be taken to substantiate the claim and obtain possession of the cotton until the United States government shall have the opportunity of acting in the case.

3. Generally to advise the United States consul on his position in the matter, and the course he should pursue.

Opinion of Dr. Twiss, Q. C.

1. If the cotton was shipped at Havana as belonging to the rebel government, I should hold it to be now the property of the United States, to whom all the proprietary rights of the rebel government have devolved upon its submission to the legitimate government.

2. I cannot advise any proceeding to be instituted against the cargo in the admiralty court. The safer course would be to apply to the court of chancery for an injunction against the delivery of the cargo to any person without the consent of the United States, as the lawful owners thereof. Meanwhile a bill may be filed, setting forth the title of the United States, and praying for a decree that the cargo should be delivered up to them.

Doctors' Commons, July 13, 1865.

TRAVIS TWISS.

Opinion of Mr. Lush, Q. C.

1. Assuming the fact as stated to be capable of proof, I am of opinion that it does.

2. I advise the United States consul to file a bill in chancery to restrain the sale or delivery of the cotton, and for restitution of it to the United States government.

Temple, July 12, 1865.

ROBERT LUSH.

[Enclosure No. 4.]

The Aline.—Opinion of Mr. Druce.

1. It appears from the statements of the consul in the letter of June 13, 1865, that the cotton by the Aline belonged to the late confederate government, and was shipped by their agent to consignees, and I presume for sale in this country, and that it has since been ceded, on the termination of the war, to the government of the United States. Under these circumstances I am of the opinion that the cotton belongs to the government of the United States.

2. Assuming the fact stated in this case to be substantiated, it would seem that the cotton is now held by the consignees as the agents, and on behalf of the government of the United States, and a bill would in my opinion lie in the name of the President, as plaintiff, against the consignees, and shipped to Ramsay, in a court of equity, to restrain the consignees from selling the cotton, or parting with the bill of lading. The affidavit of the consul at Liverpool verifying the letter of the 13th June, and his belief that the statements contained in it and in the bill to be filed are true, would, I think, be sufficient to support an application for an injunction, unless the allegations in the bill were displaced by the affidavit of the consignees. I apprehend, however, that trover might also be maintained at law, against the consignees, if they improperly withheld or converted the goods.

3. Under these circumstances, it is a question of policy whether a bill should be filed or not. If the writ could be maintained in the name of a private individual I should not have hesitated to recommend a bill; but as any bill must, if filed, be filed in the name of the President, it would very probably be deemed objectionable on his part, as a foreign power, to resort to a court of equity, unless success was certain; and the meagre nature of the evidence which can be at present adduced must leave the issue of an application which may be opposed by the affidavits of the consignees open to considerable doubt.

As at present advised, I should be disposed to recommend the consul not to file a bill, but to serve a notice on the consignees stating that the cotton is the property of the United States government, and requiring them not to sell it, or part with the bill of lading, or, if already sold, not to part with the proceeds, without the sanction of the United States government, and intimating that if they act in disregard of the notice they will be held responsible for the consequences.

A copy of the notice should also be served on the master of the Aline. Possibly the consignees may insist on a right to sell the cotton, to cover advances; and if so, it might be pru-

dent to allow the cotton to be sold, the proceeds being secured, to meet the claim of the United States government.

It appears to me that the court of admiralty can have no jurisdiction over the cargo at the suit of the government of the United States of America.

Lincoln's Inn, July 13, 1865.

GEORGE DRUCE, 5 *Stone Building.*

[Enclosure No. 5.]

BILL OF ENTRY OFFICE, CUSTOM-HOUSE, LIVERPOOL.

N. B.—This is the only office authorized to furnish information to the public in manuscript from the official records of the customs.

Aline, from Havana.—J. & D. Malcomson & Co., September 12, 1865.

R. M. 102 bales cotton, McDowall & Halliday.
R. M.—C. J. H. 200 bales cotton, order.
(B. M. C.) 37 bales cotton, order.
(D.) & C. J. H. 242 bales cotton, order.
(L.) & (S.) T. 165 bales cotton, order.
(X.) & (R. M. C. S. T.) 6 bales cotton, order.
C. J. H. 178 bales cotton, order.
(S.) C. J. H. 58 bales cotton, order.
(B. M. C.) S. T. 20 bales cotton, order.
(W.) C. 100 bales cotton, order.
(M. N. S. T.) 52 bales cotton, order.
(C. R.) 45 bales cotton, order.
25 bales cotton, order.
P. M. & B. M. C. 19 bales cotton, order.
R. & B. M. C. 6 bales cotton, order.
(N. & H. B. 100 bales cotton, order.
(C.) 3 bales cotton, order.

[Enclosure No. 6.]

The Beatrice, (otherwise called the Rappahannock.)

Counsel are requested to advise the United States consul at Liverpool—

1. Whether, under the circumstances, he can institute any, and what, proceedings for the arrest of the Beatrice, and the course he should adopt to substantiate the claims of his government.

Opinion of Dr. Twiss, Q. C.

I am of opinion that the United States consul, as public officer entitled to represent the interests of the United States, should take out a warrant of arrest against the Beatrice in a cause of possession, on behalf of the United States, as the lawful and sole owners.

The Beatrice having been purchased in England with public funds, and for public purposes, by certain citizens of the United States who were in a state of rebellion against the United States, and had usurped for some time the functions of government, must be taken to have been acquired by the usurping government for the benefit of the legitimate government, which has succeeded in putting down the rebellion, and is entitled to the benefit of all the acquisitions made by the usurping government.

Doctors' Commons, July 13, 1865.

TRAVIS TWISS.

Opinion of Mr. Lush, Q. C.

I am of opinion that the Beatrice belongs to the United States, whether she has in fact been sold or not, and I advise the United States consul, with a view to prevent her departure and procure her restoration to his government, to institute a suit for possession in the court of admiralty.

Temple, July 12, 1865.

ROBERT LUSH.

[Enclosure No. 7.]

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 17, 1865.

SIR: By direction of Mr. Dudley, I herewith enclose copies of the opinions of counsel in the cases of the Tallahassee and Sumter.

Referring to my letter of yesterday, I sent you a telegram this morning informing you that Thompson left here by the 9 o'clock train, this morning, for London; intends stopping at Fischer's hotel, Clifford street, and proceeding to France to-morrow.

Very respectfully, I am, sir, your obedient servant,

H. WILDING, *Vice-Consul.*

His Excellency CHARLES FRANCIS ADAMS, *&c., &c., &c., London.*

[Enclosure No. 8.]

Opinions of Dr. Twiss and Mr. Lush.—Ex parte.—The United States consul at Liverpool.

THE CAMELEON.

Counsel are requested to advise the United States consul at Liverpool—

1 Whether he can institute any, and what, proceedings for the attachment of the Cameleon.

2. And, generally, as to his position with regard to the Cameleon, and the course he should adopt to substantiate the claim of his government.

Liverpool, July 11, 1865.

Opinion of Dr. Twiss, Q. C.

Assuming that the Tallahassee was a vessel purchased by the agents of the late rebel government with the public moneys for public purposes, I am of opinion that these public moneys were the property of the legitimate government which has succeeded in putting down the rebellion, and that they are entitled to follow their property by what has been termed the doctrine of ear-mark, and that they may arrest the vessel in a cause of possession to be instituted in the admiralty court.

I may observe that the legal position of the government of the United States in respect of any ships purchased by the rebel government with the public moneys is stronger than their position would be in regard to the ships of a foreign state conquered by them in war. In the latter case the title of the United States against the ships of the conquered states would be founded on capture, and could only be asserted in respect of ships which were found within the ports of the conquered state at the time of conquest. Whereas, in the case of a rebellion, when the legitimate government has succeeded in putting it down, any ships which the usurping government may have purchased with public moneys must be taken to have been purchased for the legitimate government, and the property in them, wherever they may be, to have vested in that government upon its reinstatement.

Doctors' Commons, July 14, 1865.

TRAVIS TWISS.

Opinion of Mr. Lush, Q. C.

1. I am of opinion that this vessel has become the property of the United States, and that the United States consul may, on behalf of his government, take proceedings for its delivery to him.

2. My opinion is, that the court of admiralty has jurisdiction to determine this question; and although other courts may be resorted to, I advise the consul to apply to that tribunal, as it has the power to arrest the vessel at once and hold it *pendente lite.*

Temple, July 14, 1865.

ROBERT LUSH.

[Enclosure No. 9.]

Ex parte.—The consul of the United States at Liverpool.

THE GIBRALTAR.

Counsel are requested to advise the United States consul at Liverpool—

1. Whether he can institute any, and what, proceedings for the attachment of the Gibraltar.

2. And, generally, as to his position with regard to her, and the course he should adopt in the matter.

Liverpool, July 11, 1865.

Opinion of Dr. Twiss, Q. C.

If by the term privateer, which occurs in the fifth line of the case, it is meant that the Sumter was privateer property, different considerations of law would apply to this vessel from those which govern public vessels. But as the word privateer has been stricken out of the second line of the case, I shall assume that the Sumter was purchased by the agents of the rebel government with public moneys, and that by the doctrine of ear-mark possession of the property of the legitimate government may be traced to the asserted owners of the vessel. On this assumption there will be no greater difficulty in this case than in the case of the Tallahassee if the sale at Gibraltar can be proved to have been a fictitious sale; but if it can be established to have been a *bona fide* sale, the instance courts of admiralty may be disposed to refuse to disturb the parties in possession of the ship, if their possession is supported by a *bona fide* bill of sale, executed in a British port. On the other hand, the court of chancery seems, from the language of its judgment in the case of the ships purchased in 1848 by the agents of the rebel Sicilian government, to have held that British subjects could not acquire a lawful title to the property of the legitimate government of the Two Sicilies through the instrumentality of the rebellious subjects of the King of the Two Sicilies while in a state of rebellion. I think that a warrant of arrest may be taken out against this vessel.

Doctors' Commons, July 14, 1865.

TRAVIS TWISS.

Opinion of Mr. Lush.

This case gives rise to questions and considerations which are not involved in either of the others; but I think that the sale would be held to be invalid, as against the United States.

I therefore advise the consul to take proceedings for recovery of the vessel, and for the reasons given in the case of the Cameleon. I recommend that these proceedings be taken in the court of admiralty.

Temple, July 14, 1865.

ROBERT LUSH.

[Enclosure No. 10.

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 18, 1865.

SIR: I annex copy of a letter just received from Messrs. Harvey & Co., relating to the cotton by the Aline.

In the cases of the Rappahannock and the Tallahassee, I am informed that warrants were issued this morning.

Very respectfully, I am, sir, your obedient servant,

H. WILDING, *Vice Consul.*

His Excellency CHARLES FRANCIS ADAMS, *&c., &c., &c., London.*

[Enclosure No. 11.]

12 CASTLE STREET, *Liverpool, July* 18, 1865.

The United States of America vs. *Prioleau.*

THE ALINE.

DEAR SIR: We have just received a telegram from our Mr. Ryley, who went to London last night to push on this suit, that he has obtained special leave from the court to move for an injunction, and appointment of a receiver to take charge of the cotton on Thursday next. Messrs. Hull & Co. have undertaken to appear for Frazer, Trenholm & Co., and have instructed their agents by telegraph.

McDowall & Halliday's cotton will be the subject of a separate suit, should a suit turn out to be necessary.

The motion will be before vice-chancellor Sir W. Page Wood.

Yours, truly,

HARVEY, JERVIS & RYLEY.

Mr. Adams to Mr. Seward.

No. 1017.] LEGATION OF THE UNITED STATES,
London, July 20, 1865.

SIR: Acting under the directions contained in despatch from the department, No. 1456, of the 21st of June, I have obtained through the agency of Mr. Morse, the consul at this place, certain depositions further to show the part taken by the steamer City of Richmond in supplying the steamer Olinde, alias Stonewall, with equipment and crew. Mr. Morse informs me that he has not been able yet to obtain any further evidence from the parties heretofore furnishing testimony, which seems to have been the wish of the government. He is, however, on the watch to find them, and whenever he succeeds he will endeavor to procure it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

1. Mr. Morse to Mr. Adams, July 13, 1865.
2. Deposition of George Hall,(originally,) January 28, 1865.
3. Deposition of James Davis, (originally,) March 13, 1865.
4. Deposition of William Hall, (originally,) March 14, 1865.
5. Deposition of Thomas Gibson, (originally,) April 4, 1865.
6. Discharge of T. Gibson from rebel service.
7. Deposition of John Morgan, (originally,) June 5, 1865.

[Enclosure No. 1.]

Mr. Morse to Mr. Adams

UNITED STATES CONSULATE,
London, July 13, 1865.

SIR: In compliance with your request of this day's date, I herewith enclose five affidavits, all of which have some connexion with the steamer City of Richmond, when she left this port as a supply ship to the rebel ram Stonewall.

The depositions of William Hall and James Davis are quite full and explicit as to the transfer of powder, shot, shell and rifles, and heavy cases, as well as provisions, from the City of Richmond to the ram Stonewall, at Belle Isle, coast of France.

The deposition of John Morgan shows that a Colonel Krenshaw, said to have been of the rebel army, appeared to control the City of Richmond, which favors the belief that she was really a rebel vessel. I have parties in search of the six men, a copy of whose affidavits you caused to be sent to me yesterday. If the men can be found, and the information you request obtained, it shall be forwarded to you without delay. You will notice by the depositions herewith enclosed, that they were taken some weeks ago. I did not send them to you before, because I expected further information on the subject, and to materially strengthen the case by additional affidavits.

I have obtained several affidavits in reference to the privateer Shenandoah, which, with some remarks concerning rebel maritime operations in this country, I intend to send to you in a few days.

I remain, sir, your obedient servant,

F. H. MORSE, *Consul.*

Hon. CHARLES FRANCIS ADAMS,
United States Minister.

[Enclosure No. 2.]

I, George Hall, of Stocktown-on-Tees, England, do solemnly and sincerely swear, that I, being an ordinary seaman in the ship Ellen, of Sunderland, was sent on shore to make a warp fast to the steamboat having hold of her; when I let go the warp I ran down to the dock gate to try and get on board of my ship, but could not. I then went to the British consul in Dunkirk, and asked him to send me home to my own country, but he would not. I then travelled to Calais; when I arrived there I went to the British consul and asked him to send me home; this he refused to do. I then went down to the dock and asked the captain of the Aid, of Sunderland, if he would give me a passage; he said he would not. Shortly after, I was walking up and down the quay, where the Rappahannock was lying, and an officer came ashore from her and asked me what I was doing, and where I had been. As soon as I answered him, he said "I had better go on board his ship;" I said "No, not without I like." He immediately replied. "If you do not come you will be made;" so I thought it would be better to go voluntarily; I did so, but at the time I did not know what nation she belonged to. The officer when he came to me was in plain clothes. I was then sent on the forecastle, and a watch was placed over me. I was afterwards examined by the doctor, and then sent to the captain's cabin. The articles of war were read over to me (it was then I discovered what the ship was) by the first lieutenant, Mr. Miller, to the effect that I was to engage for three years to serve in the confederate navy, to sink, burn, and destroy all American merchant shipping. I was engaged as landsman and fireman. To receive £4 6*s.* 8*d.* per month, and as soon as I went to sea I was to get £10 bounty. I had to swear on the holy bible that I would serve on these conditions. I was not long on board before I was anxious to get away, owing to the cruel treatment practiced on the crew. I was placed in irons for one month for being a federal spy; I was innocent of the charge. About five weeks ago, Mr. John Early, known by the name of Captain Early, and who keeps a tobacconist shop in London, brought some men on board; two of them were Spaniards, and had been lodging with him (Mr. Early) for a week. Mr. Miller paid him two months advance for each of these men, which he kept. They both broke out of irons last Friday week, and deserted from the ship. Mr. Early kept the money for the men's keep while in London, and for expenses. About two weeks after, Mr. Early brought some more men; one of them had been serving in the Florida. The paymaster paid Mr. Early these men's advance, which he also kept for their keep and expenses. On last Monday week Mr. Early also brought on board a man by the name of Gibson; this man was paid off from the Florida, in London, and with others was brought on board by Mr. Early also. On the 28th December last, Gibson and others were sent to London a day or two after, and were to have gone in the City of Richmond, steamer. Gibson missed his passage, and it was then, on last Monday week, Mr. Early brought him back to the Rappahannock; as before stated, he was paid two months in advance, and Mr. Early kept the money. When he took Gibson on board there were no officers to be seen, and Early stopped in Calais that night, and it was on the following day he drew Gibson's money. The night Mr. Early stopped in Calais I met him on shore, and he begged of me never to mention that I had seen him there. William Anderson was shipped and brought on board about four months ago as ward room steward. He was not long on board before he was accused of being a northern spy, and was kept in irons a fortnight; when released he was told that should he be caught speaking to any northerners, he would be kept in irons with a watch over him until the ship got out to sea; he would then be hung up to the yard-arm and fired at like a dog. Early also received and kept his advance money.

On Tuesday night, the 10th January, eighty-two men left the Rappahannock. Twenty-one men's names were called and told off to go to Dover; twenty-one more were told off to join a blockade runner in London, and forty men were to go in the Velocity. The hammocks were piped up and the men's names were called out about 11 o'clock; their bags were put on shore and placed in three carts. The men were told that they had to go on board the Velocity, and that they would be put on board a steam-tug, and then on board the City of Richmond, lying in the river Thames; they were to keep everything as quiet as possible, as they were going on a very particular service. Two officers were on deck with loaded pistols, and they threatened to blow any man's brains out that should attempt to escape. The advances for the seaman brought by Mr. Early were paid to him in my presence, and he always signed a paper for them.

GEORGE HALL.

Sworn by the deponent at my office, No. 14 Cornhill, in the city of London, this 28th day of January, 1865, before me.

JNO. CASTLE GENET,
A London Commissioner to administer oaths in chancery.

[Enclosure No. 3.]

I, James Davis, of London, England, stoker, do hereby solemnly and sincerely swear, that I was shipped on board the ship City of Richmond, of London, in the early part of January

last, (I was not shipped at a shipping office,) and acted as one of the stokers. She left the Victoria dock on Tuesday, the 7th January, and dropped down to Greenhithe, and between that date and the 10th of January she received on board over three hundred barrels of powder, and some boxes which appeared to be shot; they were heavy; and there were also some very heavy barrels taken on board; they contained shot; these were all taken on board during the night, after all lights had been put out on board, generally between half past ten and half past eleven. On the 10th January we left Greenhithe after receiving on board about one hundred men; part of these men came from London, and were brought on board by a man named John Early; I distinctly heard the men say that John Early brought them down; the remainder came alongside from boats which had brought them from the Calais steamer. After they had got on board we weighed anchor and went away, leaving two boat-loads of men which the captain would not wait for, as he had news that he was being looked after, and thought it would be too hot for him; we then steamed to Cherbourg, and staid there some days. I believe he had orders to go, as he would not be allowed to remain there; we went away from there to Nantes, and from there to Belle Isle, and dropped anchor there. The following day a small screw steamer hove in sight, and asked us where from, and what was our cargo. The captain answered, "Machinery from London;" on receiving this answer she steamed away. Two days after this the ram Stonewall came alongside, and a confederate, Captain Davis, went on board of her and arranged to receive cargo from the City of Richmond. The next day the hatches were open, and the powder, boxes of shot, and cases, which I was informed were Minnie rifles, were put on board the Stonewall: there were also barrels of beef, pork, and other provisions put on board. After that we had put all of the stores that were intended for the Stonewall on board, the captain of the City of Richmond issued orders to all the men, that if any of them wished to volunteer to go on board the Stonewall they were at liberty to join her, but must leave the ship as deserters. The carpenter, the fourth engineer, and a steward joined her; and the chief engineer of the Stonewall came to me and wanted me to go as boiler-maker in her, and he offered me £9 a month to join her, but I would not go; he further offered me one month's advance and £18 bounty, and promised to send my wife a half-pay note as soon as we arrived at Bermuda; but I would not go. After we had completed our delivery to the Stonewall, and hearing that some federal men-of-war were in the neighborhood, we hove up anchor and went away, the Stonewall keeping company with us for a day and night, and then we parted; we went then right to Maderia. On arrival there, and as I went on shore without leave, the captain took me and three others before the British consul for coming ashore without leave on Sunday to go to church: the consul threatened to discharge me, and did discharge me against my will; I told him I would see into it as soon as I got home. The captain had previously said we should be discharged at the first port we came to, because we refused to join the Stonewall. We also told the consul that the ship was filled with contraband of war, but he would not listen to us. From there we were sent to Lisbon by Blendy & Co., and when we arrived at Lisbon I then told the consul how we had been discharged, and he said it was illegal. From there we were sent by the same people to Southampton in the mail boat. I did not sign the shipping articles of the City of Richmond until I arrived at Cherbourg; there were four lieutenants, two engineers, a sergeant of marines, and boatswain in the confederate service, as well as about one hundred men, all passengers, and who went on board the Stonewall.

JAMES DAVIS.

Sworn by the deponent at my office, No. 14 Cornhill, in the city of London, this 13th day of March, 1865, before me.

JNO. CASTLE GANT,
A London Commissioner to administer oaths in chancery.

[Enclosure No. 4.]

Affidavit, &c.

I, William Hall, of Dover, Kent, England, fireman, do hereby solemnly and sincerely swear, that I was shipped from Tower Hill shipping office as stoker for the steamship City of Richmond. I signed articles there to serve for a period not exceeding four months on a voyage to the West Indies, or the east coast of North America. She left Victoria dock on Tuesday the 7th January, and dropped down to Greenhithe, and between that date and the 10th January she received on board about 220 barrels of powder and some boxes, which appeared to be shot. They were very heavy, and there were also some very heavy barrels taken on board; these were all taken on board during the night, from a lighter or sailing barge, after all lights had been put out on board, between half past ten and half past eleven. On the 10th January we left Greenhithe after receiving on board about 100 men, and some confederate officers; part of these men were from Liverpool, and had just been discharged from the Florida, part from the Rappahannock at Calais. They came in the Calais steamer, and

the remainder were brought on board by a man named John Early. Some of the men that went down with Early were from the Rappahannock also. After they had got on board we went away, steam and anchor being up ready, leaving two boat-loads of men, which the captain would not wait for, as he had news that some person was watching him. We then steamed to Cherbourg and staid there some days. While there all the stokers met in the stoke-hole and told the engineers that we did not wish to go any further in the ship. The chief engineer said, you have signed articles to go in the ship, and you must remain in her. We did so, but very reluctantly. We thought if we did not do so, having such a mob of men and officers for the confederates, we would be made, and consequently roughly handled. I told the engineer that owing to the cargo and the men she had on board, they could not by rights compel me to stop, but, unfortunately, I could not help myself then. After remaining in Cherbourg four or five days we steamed away, owing to the captain having received notice to leave the port. We went away from there to Nantes, and from there to Belle Isle, and dropped anchor there. The following day a small screw steamer hove in sight, under French colors, deeply laden, and asked us our name, cargo, and where from, and where bound for. The captain answered, the City of Richmond, from London, with machinery, bound for the West Indies. On receiving this answer, she steamed away. Two days after this the ram Stonewall came alongside, flying the Danish flag, and a confederate captain, Davis, whom I know well, having sailed with him in the Run Her, when she was wrecked at Terceira, and who left London in the City of Richmond, went on board the Stonewall, and arranged to receive cargo from the City of Richmond. At this time the confederate officers and men said, that is the ship that will give the Yankees a doing. This Davis acted the same as captain of the ship from London. The next day the hatches were open and about half of the powder, boxes of shot, cases of rifles, boarding grapnels, powder magazine cases, barrels of beef, pork, other provisions, clothing, and some coals, were put on board. By this time the same small French steamer hove in sight, and went alongside the Stonewall and delivered her cargo to her, and when done took a portion of the crew away that brought the Stonewall to Belle Isle. When we had finished putting all the stores that were intended for the Stonewall on board, Captain Scott, of the City of Richmond, issued orders to all the men, that if any of them wished to volunteer to go on board the Stonewall they were at liberty to join her, but must leave the ship as deserters. The carpenter, the fourth engineer, and a steward joined her. The chief engineer of the Stonewall came to me several times and begged of me to join his ship, offering me seven pounds a month, ten pounds bounty, a month's advance, and a half-pay note, to be payable at a house in Liverpool, (I believe Messrs. W. G. Crenshaw & Co. I was paid by this firm my wages on my return.) But I would not go. We then heard that some federal men-of-war were in the neighborhood. We hove up anchor and went away, the Stonewall following, but keeping more under the land after leaving the island. She kept a head of us for a day and night, and then we parted. We went then right to Madeira, and arrived on a Saturday. The following day I asked for leave to go ashore, was refused, and told that no one would be allowed to go. As I was anxious to get ashore to inform the British consul what had transpired, with the view of being taken out of the ship and sent to England, (for I did not like the idea of going in her, having still contraband of war on board,) I called a boat and went ashore. The officer on deck as I was leaving said to me, mind, you are deserting the ship by going without leave. I said I am not going to desert; I will be here to my duty at six o'clock in the morning. He then told the quartermaster not to allow me on board if I returned. When on shore I was told I could not see the consul. I then returned to my ship at six a. m. on Monday, without being seen, and reported myself for duty. The chief engineer told me I was not to do any more work on board the ship. I went to the captain, who said, I will discharge you to-day if I can. He then took me with three others ashore to the British consul. I and two others who went ashore together on the Sunday were charged by Captain Scott with deserting from the ship, stating that for that reason he wished to discharge us. The consul said we should have to take our discharges. I then said to the captain, before the consul, it is not for that you are discharging me; it is because I would not join that confederate privateer ram. The captain answered that he knew nothing of privateers; that he had put some cargo on board a vessel flying the Danish flag, also some passengers. The consul then spoke up and said, you fancy you have got the captain up in a corner. If I was to listen to all that is told me about privateers, I would have enough to do. The consul was told by James Davis, mind, sir, we are Englishmen; you here represent our government; that ship has contraband of war on board, and for the confederates, and we will seek redress when we get home. I then told the consul that I would try and obtain satisfaction also. He then ordered us out of his office like dogs, and told us to wait till we were called. In about twenty minutes the consul called us into his office, and said, here you are; here is your discharges, and you had better take them now, for the ship will only be like a hell to you, if you go in her. He then gave us our discharges, and said your wages and expenses will be paid by the owners. We were then taken to an inn, and sent by Blundey & Co. to Lisbon. When we arrived there we went to the British consul and told him how we had been discharged, and he said it was illegal. And from Lisbon we were sent to Southampton by the same firm in the mail boat. The confederate captain, Davis, went to Madeira in the City of Richmond with us, and was on board when we left there; and I believe, and so did the crew, that the cargo then in the City of Richmond was for another confederate privateer. There were some officers, I

believe, lieutenants, two engineers, a sergeant of marines, and a boatswain in the confederate service, as well as about one hundred men, all passengers, and who went on board of the Stonewall.

WILLIAM HALL.

Sworn before me at my office, No. 14 Cornhill, in the city of London, this 14th day of March, 1865. Before me,

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

[Enclosure No. 5.]

I, Thomas Gibson, of Newcastle, England, fireman, do solemnly and sincerely swear, that I with others was discharged and on leave in London from the Confederate States steamer Florida, and about the 10th of January last our leave having expired, we were all collected together. Some were lodging with John Early, tobacconist, of High street, Shadwell; the others with different boarding-house keepers about the highways. This John Early is a shipping master for the confederate service. He, with others whom he employs, when they had collected us together on the above mentioned date, sent us in two lots to the London bridge railway station. Mr. Early took tickets for Greenhithe for about thirty men, and took them on board of an English steamer lying off that place, called the City of Richmond; the remainder were taken by a runner engaged by Mr. Early, by the name of Frederick Waters, in the next train. I was among this lot. When we arrived at Greenhithe we found steam was up and the City of Richmond under way. I and another took a boat and pulled after her, hailing her at the same time. Mr. Early went away in her; she steamed away quite fast, and some one from on board called out to us to go back and return to London. I landed again at Greenhithe. Altogether there were nine of us left behind, and Frederick Waters brought us back to London. About three days after this, all with the exception of myself joined the Rappahannock, at Calais. On the 16th January, I found out that Mr. Early had returned. I then went to him. He asked me what had become of the others that were left behind at Greenhithe; I told him. He then asked me if I had money enough to go to Calais and join the Rappahannock; I replied that I had not. He then took me to Calais with as little delay as possible, paying all expenses, and handed me over to the senior officer on board of the Rappahannock. I was paid off, along with about forty others, on Monday, 27th March. Two men were discharged on the Thursday previous and accused of being federal spies. There was only one stoker, two coal-trimmers, one seaman, the master-at-arms, and a steward kept on board. This sudden discharging of hands surprised us very much, for we all knew that they required as many men as they could get. When we left it was rumored that the ship was going on the gridiron to have her bottom cleaned and overhauled. In the meantime some slight repairs were going on about her engine gear, and when completed she was to sail from Calais. I must here also state, that if Mr. Early had not taken and shipped me on board of the Rappahannock, I would not have gone.

THOMAS GIBSON.

Sworn by the deponent at my office, No. 14 Cornhill, in the city of London, this 4th day of April, 1865. Before me,

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

[Enclosure No. 6.]

CONFEDERATE STATES STEAMER RAPPAHANNOCK,
Calais, France, March 27, 1865.

This is to certify that Thomas Gibson, coal-heaver, aboard the Confederate States steamer Rappahannock, has this day been paid off, and honorably discharged from the naval service of the Confederate States, and he is entitled to a share of any prize money due the Confederate States steamer Florida for captures made between the 28th day of June, 1864, and the 7th day of October, 1864.

DOUGLAS F. FORREST,
Assistant Paymaster, Confederate States Navy.
CHARLES M. FAUNTLEROY,
Lieutenant Commanding, Confederate States Navy.

Age, 28 years; height, 5 feet 10 inches; complexion, fair; color of eyes, blue; color of hair, light brown; place of birth, Newcastle, England.

CONSULATE OF THE UNITED STATES, LONDON.

I hereby certify that the foregoing is a true and faithful copy of the original discharge exhibited to me in this consulate by Thomas Gibson, April 4, 1865.

JOSHUA MUNN, *Deputy Consul.*

[Enclosure No. 7.]

I, John Morgan, of Galway, Ireland, but a citizen of the United States of America, and now residing at No. 2 Alsop's Buildings, Back Road, St. George's, in the East, London, do solemnly and sincerely swear, that when residing at Nassau, about the latter end of February, or the beginning of March last past, the steamship City of Richmond arrived there. There was at that time a dispute among the crew that shipped in her from London, with respect to promises made to them at Bermuda by the captain that left the port of London with them. The captain at Bermuda was concealed from the crew, and another captain placed on board, but the crew refused to proceed in the ship without him. He was consequently placed on board again and took the ship to Nassau. When he arrived on board he told the crew that they having stood by him, he would make it as good as two round trips in the blockade, which the crew understood to be worth to them about $300 each. On arrival at Nassau a confederate agent, by the name of Colonel Krenshaw, seemed to take all responsibility of the ship; he arranged everything connected with the ship with the customs, and others in authority. The crew were taken on shore and provided with board and lodging; they were paid in the custom-house, and their passage money to send them home to England was also lodged with the custom-house authorities, excepting an engineer and another officer, who both went to New York. A reference to the newspapers at Nassau will corroborate this part of my statement, and, further, this Colonel Krenshaw was the chief agent, assisted by his relations for the confederates. He was the person who arranged all matters for the City of Richmond, likewise the Virginia, Florence, Rattlesnake, and the ship afterwards named the Tallahassee. Immediately after the crew were paid off from the City of Richmond, a number of men were employed from on shore to keep the ship, engines, &c., clean, at the rate of one dollar per day and their victuals, but after working fifteen days they were paid at the rate of only $15 per month. She delivered her cargo as follows, then lying in the stream, on board the Emergine, a blockade-runner, bound to Galveston; part of the cargo consisted of telegraph wires and provisions; the remaining portion being packed in cases, and of different sizes, I could not ascertain the contents. I joined the City of Richmond on the 18th May last, with several others, at Nassau, and we signed articles on board the ship in the presence of a Mr. Field, who represented himself as chief officer, as follows: to proceed to any one or more ports in the Atlantic, and from thence to any port in the United Kingdom; no term of time was mentioned. I was induced to join her on account of the extraordinary good wages offered. I agreed as seaman for $40 per month, and to receive a month's advance; but the advance was not to be paid, as was usual with all blockade-runners, until we had passed the *bar*. Colonel Krenshaw was on board, and paid me in the captain's cabin, along with the rest of the crew. From Nassau we went direct to Bermuda, with nothing but coals on board. Our captain, Mr. Henry Holgate, was formerly captain of the blockade-runner Let-Her-Rip, which was captured by federal cruisers; we also took with us from Nassau the chief engineer of the Nashville, his wife and child. He did the duties of chief engineer on board of us during the passage. We had also four other persons of gentlemanly appearance on board as passengers; who they were I cannot say. We stopped at Bermuda three days, and took in coals, and sailed from there to the island of Terceira; coaled again and proceeded to this port. We were all paid off at the Tower Hill shipping office. I must also add, that the City of Richmond hoisted the confederate flag at the fore when at Nassau, and so did all the blockade-runners; some of them hoisted the confederate flag at the peak, as well as at the fore, viz: the Coquette, Hattie, Colonel Lamb, Laurel, and the so-called Tallahassee. While I was at Nassau I took captain Maffit and some men from the Tallahassee, who, after running as a privateer, changed her name. These men I put on board the Owl, a blockade-runner. Captain Maffit shipped some more men on shore, and I was given to understand the Owl was going to land her cargo on the Florida coast. When the City of Richmond left England she had her funnels painted white; while away from England they were painted black; and on approaching England they were painted white again; and further, that of the crew that arrived in this port, the second mate only still continues serving on board, and he is engaged to go away in her. I am quite confident, from what I know, personally and otherwise, that the City of Richmond is engaged to continue working for the confederates on a secret service from this port to Havana, thence to Matamoras or Rio Grande. There is now in the Victoria dock a steamer lying head on to the custom-house, who has engaged the crew of the unsuccessful blockade-runner Florence to go in her on the same secret service, to Havana. Colonel Krenshaw came on board of us at Nassau, and we brought him to London with us; he now superintends the managing of the City of Richmond.

JOHN MORGAN.

Sworn before me, at my office, No. 14 Cornhill, in the city of London, this 5th day of June, 1865. Before me,

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

I, James Locker, of Liverpool, England, seaman, do solemnly and sincerely swear that I have read the within statement of John Morgan, and can testify to the truth of all he states.

JAMES LOCKER

Sworn before me, at my office, No. 14 Cornhill, in the city of London, this 5th June 1865. Before me,

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

I, Charles Ellys, of Galway, Ireland, do solemnly and sincerely swear that I shipped in the City of Richmond on the 18th May last, and can testify to the truth of John Morgan's statement from that date.

CHARLES ELLYS.

Sworn before me, at my office, No 14 Cornhill, in the city of London, this 5th June, 1865. Before me,

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

Mr. Seward to Mr. Adams.

No. 1481.] DEPARTMENT OF STATE,
Washington, July 20, 1865.

SIR: It appears from a despatch of the 5th instant, from the vice-consul of the United States at Kingston, Jamaica, that Lieutenant John C. Braine, of Chesapeake and Roanoke notoriety, had arrived in that city. He came off the port of Kingston in the schooner St. Mary's, which he and his party had seized at the mouth of the Patuxent river, in Chesapeake bay, on the 1st of April last. Mr. John A. Camp, the vice-consul, states that he endeavored to procure the extradition of Braine, but met with no success; Braine leaving there on the 21st ultimo, on steamship St. Thomas, for Liverpool. Mr. Camp informs me that he notified the United States consul at Liverpool, by the same steamer, of Braine's departure for that port, and gave him other information that would lead to the identification of Braine in that city. The schooner St. Mary's was finally carried into the port of Amotto bay, on the north side of Jamaica, where she remains at last accounts. Mr. Camp states that he is in correspondence with the governor of the colony, with a view to having the vessel returned to its owner.

I have given you this information in order that you may make a representation of the case to the British government, and at the same time demand the restoration of the vessel to its owners. The most convenient way for effecting this would probably be for the British colonial authorities to place the St. Mary's at the disposal of the United States vice-consul at Kingston. You will therefore suggest the adoption of that course.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1019.] LEGATION OF THE UNITED STATES,
London, July 21, 1865.

SIR: I have the honor to transmit herewith a resolution of condolence on the assassination of the late President, passed at a stated quarterly meeting of the Northern Presbytery of Antrim on the 6th instant.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[For enclosures see Appendix, separate volume.]

Mr. Seward to Mr. Adams.

No. 1483.] DEPARTMENT OF STATE,
Washington, July 24, 1865.

SIR: With a view to such proceedings on your part as may tend to prevent any political intervention by Great Britain in the affairs of the Hawaiian kingdom prejudicial to the interests of the United States or its citizens resident in that kingdom, I enclose a copy of a letter of the 27th ultimo, addressed by Mr. R. Anderson, of Boston, to the Hon. Charles Sumner.

I will thank you promptly to communicate to this department any information in regard to the relations between Great Britain and the Sandwich Islands which may come to your knowledge.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Anderson to Mr. Sumner.

MISSIONARY HOUSE, BOSTON, *June* 27, 1863.

MY DEAR SIR: I learn from the Hawaiian Gazette of April 29, which is the government paper, that the dowager Queen Emma is to visit England, and is to be accompanied by Mr. Charles Gordon Hopkins, an English gentleman, who resigns the office of minister of the interior for that purpose, and also by Mr. Synge, her Britannic Majesty's commissioner and consul general.

Private letters state that a British man-of-war takes them to Panama, and that another vessel of the same sort will await them at the other side of the isthmus. In one of my letters it was intimated that Bishop Staley was to accompany the Queen, but I cannot speak positively as to this. The nature of Bishop Staley's mission to the islands is accurately described in my work on these islands, a copy of which I had, some time since, the honor of presenting you.

You doubtless remember Mr. Seward's remark, that when our civil war was over the government would take good care of its interests in the Sandwich Islands. It has seemed to many that, in the new disposal now being made of our navy, it would be well at once to send a frigate to Honolulu, whose commander, besides a good share of diplomatic talent, should have the most friendly feelings not only towards the government of the islands, but towards the persons and labors of our missionaries, to whom, under God, these islands owe everything, and that the visit should be somewhat protracted. I fully believe that the politico-religious English mission would never have been undertaken, or at least would not have obtained such an influence in the government, but for our rebellion and its anticipated results.

I have no special apprehension as to the ultimate effect that this mission to England will have on our missionary interests at the islands, provided we are adequately cared for by our own government, and provided our ambassador in London has his attention turned towards it.

With great respect, very truly yours,

R. ANDERSON,
Foreign Secretary of the American Board of Commissioners for Missions.

Hon. CHARLES SUMNER.

Mr. Seward to Mr. Adams.

No. 1484.] DEPARTMENT OF STATE,
Washington, July 25, 1865.

SIR: I transmit a copy of a telegram of the 21st instant, addressed by James Gamble, esq., of San Francisco, to the Acting Assistant Secretary of War, in regard to the destruction by the pirate Shenandoah, in the sea of Okotsch, of ten whaling vessels belonging to citizens of the United States.

Referring to the various communications which have passed between us upon this subject, I need not reiterate what you so well understand, that in view of

the origin, equipment, and manning of the Shenandoah, or Sea King, this government claims that we justly look to Great Britain for indemnification to our citizens for all losses occasioned to them by the depredations of that vessel. You are, however, expected to exercise your discretion as to the expediency of any present additional representations to the British government on the subject, in advance of the memorials and documentary proofs which may be expected from the parties who have sustained these new losses.

Although the report communicated to you in my No. 1171, to the effect that it was the notorious Semmes who had taken command of the Shenandoah was incorrect; the statement, in other respects, is believed to have been substantially true, and to have been strongly corroborated by the accompaniments to my No. 1250, and by the declarations of Pratt and Green, transmitted to you with Mr. Hunter's communication of the 8th of May last, No. 1398.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Gamble to Mr. Eckart.

OFFICE UNITED STATES MILITARY TELEGRAPH, WAR DEPARTMENT.

The following telegram received at Washington, 9.20 a. m., July 21, 1865, from San Francisco, California, July 12, 1865:

HON. THOS. T. ECKART, *Acting Assistant Secretary of War:*

The whale ship Milo arrived this morning with crews of ten whaling vessels burned by the pirate Shenandoah in the Okotsch sea. The captain of one of the burned vessels states he showed the pirate captain San Francisco papers containing an account of the surrender of Lee and Johnston and death of President Lincoln. The captain of the Shenandoah said he would continue to destroy vessels until he was ordered to stop by Jeff. Davis.

JAMES GAMBLE,
Assistant Superintendent of Telegraph.

Mr. Seward to Mr. Adams.

No. 1485.] DEPARTMENT OF STATE,
Washington, July 25, 1865.

SIR: I am informed by a despatch of the 5th instant, No. 502, from the United States consul at Liverpool, that the rebel steamer Rappahannock, *alias* the Beatrice, at last accounts, was at Southampton taking in coals, and that she was bound for Liverpool. This information he states he telegraphed to you. It appears that upon the arrival of the Rappahannock, *alias* the Beatrice, at Liverpool, there will be four insurgent vessels at that port, namely, the Rappahannock, the Sumter, the Tallahassee, and the Ajax. The consul further informs me that he has engaged a person to watch their movements.

In my No. 1454 I enclosed to you a copy of the despatch of the 2d of June, from Earl Russell to Sir Frederick Bruce, and of my note to Sir Frederick, in reply, of the 9th of the same month, upon the subject of the withdrawal of belligerent rights by Great Britain from the insurgents. In that reply you will have found, and I hope to hear that you have been guided by the views of this government, in regard to the disposition to be made of a certain class of vessels found in British ports.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1491.] DEPARTMENT OF STATE,
Washington, July 25, 1865.

SIR: Referring to instructions Nos. 1854 and 1473, I now communicate to you, in order that you may be fully in possession of the correspondence on the subject, a copy of a note of the 20th of June, from Sir Frederick Bruce, and of my reply of the 1st instant, in relation to the construction to be placed upon a passage in Earl Russell's despatch of the 2d of June, concerning the twenty-four hours' rule.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[For enclosures see correspondence with British legation, current series.]

Mr. Adams to Mr. Seward.

No. 1022.] LEGATION OF THE UNITED STATES,
London, July 27, 1865.

SIR: I have the honor to transmit copies of the Times and of the Morning Post, containing a report of certain proceedings in the court of chancery, in regard to a quantity of cotton which had been received in Liverpool, presumed to belong to the so-called confederate government. We have been more fortunate in proving the case of ownership than I had dared to hope.

The decision of the Vice-Chancellor virtually settles this point, that the government of the United States is entitled to claim all property that may be found here, proved to have been acquired under the so-called confederate authority. You will not, however, fail to perceive that it is upon the presumption that such authority is understood to have been *de facto* established, that the rights of the United States to the succession are conceded.

This distinction seems to me of sufficient importance to require that it should receive the consideration of the President before taking any further measures which might commit the government to the recognition of it. In my conversation with counsel engaged on our side, I have consequently advised them to exercise great caution in the use of language, so as to avoid basing such further proceedings as they may deem it advisable to push in the interval, before I can receive instructions, upon any direct concession of this point. As there is reason to believe that more discoveries may be made of property, and there unquestionably are contingent rights of more or less value under the contracts of Messrs. Frazer, Trenholm & Co. which have come to light in the course of these investigations, and are admitted to inure to the benefit of the United States by virtue of the Vice-Chancellor's ruling, if they elect to claim them, it seems desirable that such instructions as may be prepared should be sufficiently full to embrace any variety of forms in which the matter may present itself. I am informed that no further action on the existing cases is to be expected in the courts until November, so that there will be abundant opportunity for mature consideration. With respect to such preliminary proceedings as may be required to uphold claims to any other property that may turn up, I think that my cautions already given will avail to avoid any committal of the government in advance of its own directions.

It appears that in anticipation of possibilities, Messrs. Fraser, Trenholm & Co. had taken care some time ago to give general retainers to all the most distinguished lawyers in the kingdom, and among them to Sir Roundell Palmer, the Attorney General. This at the outset threatened to prove an obstacle to our de-

sire to secure his services on behalf of the United States. It ultimately gave way, however, and we had the benefit of what is pronounced to have been a brilliant and effective argument from him on our behalf. I am promised a full report of this, as well as of all the other proceedings in the case, from the reporter's notes, which so soon as it may come to hand I shall do myself the honor to transmit.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Daily Telegraph of July 21, 1865.]

VICE CHANCELLOR'S COURT, JULY 20.

(Before Vice-Chancellor Wood.)

THE UNITED STATES OF AMERICA *v.* PRIOLEAU.

This was a very important motion, being the first of a series that may be expected to arise out of transactions in cotton, once the property of the late confederate government. The subject of this suit was 1,356 bales of Texan cotton, valued at £50,000, which was shipped on the 10th of June last, from the Havana, in the ship Aline, under English colors, and consigned to Messrs. Frazer, Trenholm, & Co., the agents of the late confederacy in Liverpool, where it has lately arrived. The cotton purported to be owned by one C. G. Ramsay, now in America, but was alleged to have belonged, in fact, to the late confederate government, for whom Ramsay was an agent. The United States authorities now claimed the cotton as having belonged to the military department of Texas, and as having been included by General Kirby Smith in his surrender of "all public property and material of war." The ship was consigned to Messrs. Malcolmson, of Liverpool, and the cotton was therefore actually in their possession, Messrs. Frazer, Trenholm & Co. holding the bills of lading. The bill was a novel one, inasmuch as there was no precedent found where the American government had previously sued, or been sued, in England. The bill stated that "divers persons who were some time since in rebellion against the government of the plaintiffs formed themselves into an association for the purpose of carrying on the said rebellion under the style of the government of the Confederate States, and they some time since caused to be shipped, on board the ship Aline, the cotton in question; that the said rebellion is now at an end, and the said association or so-called confederate government has been dissolved, and the several persons who had formed themselves into the said association, and on whose account the said cotton was shipped as aforesaid, have submitted to the authorities of the government of the United States, and have expressly ceded and made over to the plaintiffs all the joint and public property of the persons who constituted the said association, or so-called government." The plaintiffs finally prayed for an injunction to restrain Messrs. Malcolmson from parting with the cotton, and to restrain Messrs. Frazer, Trenholm & Co. from instituting any action at law in respect of their bills of lading.

His honor directed the motion to stand over for defendants to file their affidavits by Wednesday next, and for witnesses on both sides to be cross-examined by the special examiner, Mr. Dickenson, plantiffs to be at liberty to amend their bill without prejudice to notice of motion, giving notice to the other side of any such proposed amendments in the course of this week, defendants undertaking to do nothing contrary to the notice of motion in the mean time.

The Attorney General, Mr. Giffard, Q. C., and Mr. Druce, for the plaintiffs; Mr. Rolt, Q. C., for the defendants.

[From the London Times of July 27, 1865]

VICE CHANCELLOR'S COURT, JULY 26.

(Before Vice-Chancellor Sir W. P. Wood.)

THE UNITED STATES OF AMERICA *v.* PRIOLEAU.

This was a motion to restrain the defendant Prioleau (a confederate agent) and others from parting with or disposing of a freight of cotton, consisting of 1,500 bales or thereabouts, which had been shipped from Havana, per the Aline, to be turned into money for the purposes of the late rebels, and which was now lying in the Mersey Company's docks, at Liverpool. The plaintiffs claimed the property as the lawful governors of the United States. The defendants insisted that their title as successful runners of the blockade was a good one; and that even if it were not, the title of the United States was subject to the rights in the

cotton of Prioleau, who alleged that he was a loser of £20,000 and upwards by the confederates.

The attorney general, Mr. Rolt, Mr. Giffard, Mr. James, Mr. Robinson, Mr. Amphlett, and Mr. North were in the case.

The Vice-Chancellor was clearly of the opinion that the plaintiffs were entitled to the cotton in question: but whether or not subject to the agreement between the defunct government and Mr. Prioleau was a more serious question. The transaction was a transaction between a government *de facto* and the citizen of a country not connected with the belligerents. In the first place it was for the court to see to whom the cotton belonged at the time when the transaction was entered upon. Upon the evidence it could not be doubted but that it was the property of the so-called Confederate States. It was the produce of moneys contributed to and levied as taxes by the government of those States. It was not the property of any individual State of America; if it had been, the peculiar constitution of the United States in this respect might have led to difficult questions. But it was plain that the money which produced the cotton was levied in more than one State, and was the property of the government of the revolted confederation. Next to be considered was this: what was that government? It was not a mere band of marauders; not a set of persons plundering a country and living upon the plunder they levied. It was an actual, a *de facto* government, exercising authority and receiving submission as such. It had now come to an end, and its functions been resumed, and its authority suppressed, by the plaintiffs. What was the law applicable to this state of things? It could not be doubted for a moment. International law, the consent of all civilized nations, had settled beyond dispute that when a *de facto* government came to an end, and was succeeded by another government, the property of the *de facto* government passed to its successors. But then arose the question, did not the successors take such property bound by the agreements and affected by the equities of their predecessors? Subject to any argument which might be adduced on the hearing of the cause, it clearly appeared that the successors were so bound. It had been attempted to be set up in answer to this, that the defendants had taken the property with full knowledge that the confederate government were rebels, and of the rights of the United States, and must be bound by the knowledge that the United States were the lawful governors of the so-called confederate territory. But this proved too much. If it were correct, the United States might, at any time during the war, have filed a bill to restrain the departure, and for obtaining possession of any vessel which as a privateer was acting the part of a pirate as against the United States, whenever such vessel happened to be in any port of the United Kingdom. The argument overlooked the fact that the government which had sent this cotton was, *de facto*, a government, and not a mere band of banditti. Here, again, the argument overreached itself, for the rights against such banditti would not be in the United States as a government, but in the private individuals whose property had been plundered. Clearly, therefore, as at present advised, the plaintiffs must take this cotton subject to the agreement between the late government and the defendant Prioleau. But upon that agreement much question might arise. The expenses of transit should come out of the amount, but beyond this there was much question. One-half the residue appeared pretty certainly to be the property of the defunct government under the agreement, and of course that would pass to the plaintiffs. As to the other half, more question attached. All these questions, however, were matters for determination at the hearing, and the court had nothing to do now but to take care that, considering the large amount at stake, the plaintiffs were held harmless. The value of the cotton in round numbers appeared to be about £40,000, and the order would be, therefore, that Mr. Prioleau be appointed receiver in the cause, (which would enable him to dispose of the cotton and pay all proper charges, &c.,) he either giving security for £20,000 or paying that amount into court, as he might think fit, before the second day of next term.

Mr. Adams to Mr. Seward.

No. 1023.] LEGATION OF THE UNITED STATES,
London, July 27, 1865.

SIR: In connexion with the directions contained in your despatch No. 1456, I have the honor to transmit copies of depositions furnished to me by Mr. Morse, the consul at this place, relating to the subject therein referred to.

I have decided to retain the originals, in view of the possibility that they may be of some use in the incidental supply of evidence to counsel in the litigation now going on.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Depositions of John Ellison and John Allen, November 4, 1864.
2. Depositions of John Jackson and others, November 4, 1864.
3. Depositions of William Smith and John Fisher, November 15, 1864.
4. Depositions of William Harris, Michael Hurley, &c., November 19, 1864.
5. Deposition of James Scutcher, November 26, 1864.
6. Leave of absence to J. Gibson, from the Rappahannock, December 1, 1864.
7. Deposition of T. Gibson, December 22, 1864.
8. Deposition of William Young, December 22, 1864.
9. Robert Nuthall's power of attorney for his pay to his family, approved by the captain of the Rappahannock.

[Enclosure No. 1.]

We, John Ellison, of London, and John Allan, of Greenock, Scotland, do solemnly and sincerely swear, that we were shipped at Green's Sailors' House on the 5th of October last as able seamen, for the screw steamship Sea King, of London, Corbett, master, for a voyage to Bombay or any part of the Indian ocean, China seas or Japan, for a term not to exceed two years. We left the East India docks on the 8th of October, and when below Gravesend we ran into a smack. We went down channel under steam and sail, and when off Landsend the screw was lifted, and she was put under reefed canvas; it soon became whispered among the crew that the ship could not be intended for Bombay, as she was going under easy canvas with such a fine wind. Before reaching Madeira, the boatswain had orders if a steamer appeard in sight to let go everything fore-and-aft; this was said to appearer, Ellison. On the 18th of October we signalled steamers (two) in the Funchal Roads. One, which prove to be the Laurel, came out to us rolling very heavily. After signalling, both ships steamed and sailed to a little island about thirty-five miles distant from Madeira. The Laurel came to anchor, and the Sea King, after taking in her canvas, anchored also. In a short time the Laurel came alongside of us, and Captain Corbett ordered the crew to rig the purchases to the port main-yard, preventer-lifts, &c., to transfer stores, &c., from the Laurel into his ship, so as to lift the weight of three tons. The stores consisted of guns, shot, shell, powder, small-arms and general stores. On the following morning we were all called aft, and Captain Corbett said he had sold the ship, and pointed to a gentleman standing by his side as the present captain. We were offered from ten to twenty pounds bounty, with fourteen pounds a month wages, and two months' advance—with more money to send home, if we would stop by as gunner's mates. We refused positively, and informed them that we belonged to the royal navy, and although pressed to stop, we still refused, stating, we would not desert our flag to serve any other country. We were then put on board the Laurel and taken to Santa Cruz, Teneriffe, on the 20th of October. We were put on shore on the 22d of October, and were told by the chief mate and Captain Corbett, that if any question were asked about us, you must state that you are distressed seamen, and that your ship, Sea King, was lost at sea, and state the same to the British consul, if asked. We were taken to the Hotel de la Marina; but no accommodation being provided there, and after application to the captain could get no satisfaction, so we went to the British consul and took our oaths. The consul said, you are reported by the captain to me as distressed seamen. We afterwards went on board the Calabar, mail steamer, as deck passengers, and came to Liverpool. There was no communication between the two ships but by signals until after we had anchored at the island with the Laurel. When Captain Ramsay came on board of us in a boat, he said he would be alongside in half an hour with the stores and guns. No negotiations were made for the sale of the vessel until after the confederate flag was hoisted on board the Sea King, and we left the ship.

JOHN ELLISON,
Royal Naval Volunteers, No. 18356.

Sworn by the deponent, John Ellison, at my office, No. 37 Nicholas Lane, in the city of London, this 24th day of November, 1864, before me.

JOHN CASTLE GANT.

his
JOHN × ALLAN,
mark.
Royal Naval Volunteers, No. 950.

Witness to the mark of John Allan,
JOSHUA MUM.

Sworn by the deponent, John Allan, at my office, No. 37 Nicholas Lane, in the city of London, this 24th day of November, 1864; the witness to the mark of the deponent being first sworn, that he had truly, distinctly and audibly read over the contents of the above affidavit of the said deponent, and that he saw him make his mark thereto, before me.

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

[Enclosure No. 2.]

We, John Jackson, of Sheerness, Kent; William Joyce, of Stepney; John Webster, of Hertford; Alfred Hill, of Poplar, firemen, do truly and solemnly swear that we were shipped at Green's Sailors' Home on the 6th of October last, for the ship Sea King, (screw steamer,) for a voyage to Bombay, or any port in the Indian ocean, China seas, or Japan, for a term not exceeding two years; and I, Peter Tow, of Rotherdam, sailmaker, do likewise solemnly swear that I was shipped at Green's Sailors' Home, on the 7th of October, for the said ship Sea King, and for the voyage stated above. We left the East India docks on the 8th of October, and when below Gravesend she ran into a smack; we went down the channel under steam and sail. When off Landsend the screw was lifted, and she went under reefed canvas. On the 18th of October a fore-and-aft steamer was signalled off the fort of Maderia; she came to us rolling very heavily; we then steamed with the Laurel (the steamer we had signalled) to Deserters' island, about thirty-five miles distant, and took stores from her on board the Sea King, which consisted of guns, shot, shell, ammunition cases, &c. We were all called aft, and Corbett, the captain, told us he had sold the ship, and asked us to join her, as she was a confederate ship-of-war, and offered us from £10 to £18 bounty, with high wages and two months' advance to remain by her; we all refused, not wishing to serve under the confederate flag, as we had signed articles for Bombay; we were then put on board the Laurel and taken to Teneriffe: we were told to say, if any questions were asked, that we were distressed seamen and had lost our ship, the Sea King, at sea; we were taken to a boarding-house, and in consequence of bad treatment went to the British consul, who sent us home in the mail steamer Calabar, for Liverpool. At the request of the agents, Captain Corbett coming with us and stating he was a prisoner, we arrived in Liverpool and received three months' extra wages.

JOHN his × mark. JACKSON.

WILLIAM his × mark. JOYCE.

Sworn to by the deponents, John Jackson and William Joyce, at my office, No. 37 Nicholas Lane, in the city of London, this the 4th day of November, 1864; the witness to the marks of the deponents being first sworn, that he had truly and distinctly and audibly read over the contents of the above affidavit of the said deponents, and that he saw them make their marks respectively thereto, before me.

JOHN CASTLE GANT,
A London Commissioner, &c.

Witness to the marks of John Jackson and William Joyce—
JONA MUM.

JOHN WEBSTER.
ALFRED HILL.
PETER TOW.

Sworn by the deponents, John Webster, Alfred Hill, and Peter Tow, at my office, No. 37 Nicholas Lane, in the city of London, the 24th day of November, 1864, before me.

JOHN CASTLE GANT,
A London Commisioner to administer oaths in chancery.

[Enclosure No. 3.]

We, William Smith and John Fisher, both of Great Britain, do solemnly and sincerely swear that we were engaged as able seamen for a ship lying in the East India docks, called the Sea King, on the 6th of October last past, by Captain Corbett, the captain of the ship, at the home called Green's Sailors' Home; we signed articles to go from here to Bombay, or any port in the Chinese seas or British colonies, for a term not exceeding two years. We sailed from here on the 8th of October, and were taken to Madeira; we signalled, off Landsend, to a steamship, bark-rigged; signals were exchanged, and we then lay off to Madeira; we then signalled again, as we thought, ashore, it being then very thick, but a steamer lying under the fort, fore-and-aft rigged, came out; her name was the Laurel; she steered her course, and we followed her to an island—no house on it; we then commenced taking into us the cargo the Laurel carried, viz: shot, shell, grape, canister, powder, muskets, pistols, cutlasses, tomahawks, cannons, eight in number, large, and two small gun-carriages for them, also a quantity of coals. When the Laurel's cargo was discharged, a number of officers and men then went on board the Sea King, and our mate then asked us all if we would join the Sea King: that she was a confederate ship-of-war, the captain having previously called the crew together and told them he had sold the ship; that she was now a confederate war ship, and that her name was the Shenandoah; "Those men that do not

wish to join the Shenandoah must come with me in the Laurel, and I will see you all righted." There were only four hands that went out in the Sea King remained in her. Captain Corbett and the remainder of the crew that signed articles in the Sea King in London went in the Laurel, and we were taken to Teneriffe; we were taken ashore two days after anchoring, and during those two days the Laurel filled up with coals and steamed away as soon as we landed. We remained in Teneriffe ten days, and came home in the Calabar, mail boat; our expenses and a deck passage were paid; the captain of the Calabar sent on shore to say he could not accommodate us, but the English consul there said he must take us, and we were to manage the best way we could, and sent Captain Corbett on board a prisoner. We arrived at Liverpool last Friday morning: the captain then went ashore along with the captain and purser of the Calabar, and we did not see anything more of him afterwards; but in a short time it was reported that the owners of the Sea King would visit us in about one hour and a half; they did not come, but the mate and steward, on Friday evening, came to us and said, "The owners say you can have three months' pay or let it alone, just as you please." At eleven o'clock on Saturday morning we went to the shipping office and there received our notes and discharges; we then came up to London.

WILLIAM SMITH.

Sworn by the deponent, William Smith, at my office, No. 37 Nicholas Lane, in the city of London, this 15th day of November, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

his
JOHN + FISHER.
mark.

Witness:
ROBERT WARNE.

Sworn by the deponent, John Fisher, at my office, No. 37 Nicholas Lane, in the city o London, this the 15th day of November, 1864; the witness to the mark of the deponent being first sworn that he had truly, distinctly, and audibly read over the contents of the above affidavit of the said deponent, and that he saw him make his mark thereto, before me.

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

[Enclosure No. 4.]

We, Michael Hurley, of Banden, county Cork, Ireland, coal trimmer, and Robert Savage, of Liverpool, England, able seaman, do solemnly and sincerely swear that we were engaged by Captain Corbett, of the Sea King, of London, at Green's Sailors' Home, on the 6th October, for a voyage to Bombay, or any port in the Indian ocean, China seas, or Japan, for a term not exceeding two years, as stated in the accompanying affidavit of William Harris, marked A, and now produced and shown to us, and which has been read over to us, and we swear the same to be true and correct.

MICHAEL HURLEY.

Sworn by the deponent, Michael Hurley, at my office, No. 37 Nicholas lane, in the city of London, this the 23d day of November, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

his
ROBERT × SAVAGE.
mark.

Witness:
ROBERT WARNE.

Sworn by the deponent, Robert Savage, at my office, No. 37 Nicholas lane, in the city of London, this the 23d day of November, 1864, the witness to the mark of the deponent being first sworn that he had truly, distinctly, and audibly read over the contents of the above and accompanying affidavit of William Harris, and that he saw him make his mark thereto, before me.

JNO. CASTLE GANT,
A London Commissioner to administer oaths in chancery.

This is the affidavit, marked A, referred to in the affidavit of Michael Hurley and Robert Savage, sworn before me this 23d day of November, 1863.

JOHN CASTLE GANT,
A London Commissioner, &c.

A.

I, William Harris, of Plymouth, England, do solemnly and sincerely swear that I was engaged by Captain Corbett, of the Sea King, on the 5th October last, as able seaman for the Sea King, at Green's Sailors' Home, and signed articles for Bombay, or any port in the Indian ocean, China seas, or Japan, for a term not exceeding two years. The Sea King sailed from here on the 8th October, and when below Gravesend we ran into a smack; the supercargo and the crew wished to stop, but the captain cried out, "Stop for nothing." This supercargo, I was given to understand, was a relation of Captain Semmes, late of the Alabama. We went down the Channel at the rate of twenty-two knots per hour under steam and canvas, but when off Landsend we took up the screw and went under reefed canvas, as the captain did not wish to get to Madeira until a certain time. The crew then began to murmur; some said they were sure the ship was going privateering, and others that she was going to run the blockade. At the 19th, at 4 o'clock in the morning, we made Madeira, and signalled off the fort; the Laurel (steamer fore-and-aft rigged) came out to us, rolling very heavily; we then noticed a number of men in her, and a number of gentlemen on her quarter-deck with white straw hats on; the crew, then of the Sea King, thought that these men must be part of the Alabama crew; the Laurel steamed about to an island about thirty-five miles distant from Madeira, to S.E. Captain Ramsay, of the Laurel, came on board of us in a boat when off this island and said, "I have some stores for you, some very heavy cases; get your purchases aloft;" Captain Corbett then gave orders to get the gear up as quick as possible, that he wanted the Laurel discharged as soon as possibly could be. The crew then said, Bombay is shifted to Madeira; the captain heard it and went on the bridge laughing, and told the men they would get satisfied after. When the third case came on board the main lift-fall gave way, and the case landed between the sails and ship's deck; the captain sung out, "For God's sake don't lose that piece of metal;" it was a cannon, the bore of which was about eighteen inches; the captain then ordered us aloft to secure the purchase. We took in from the Laurel eight cannon, viz: six large and two small, with their carriages; the guns were called 68-pounders; a quantity of powder, muskets, pistols, shot and shell, clothing, and a quantity of other stores; everything was packed in cases; also a quantity of coals. We worked from 3 to 11 o'clock that night; we then complained we wanted something to eat, and we proceeded to the forecastle and were getting our supper, when the mate came forward and said, "I now come forward to you to state that the ship is sold to the confederate government, and the confederate commander offers you £10 bounty and £6 per month; you will get two months' pay for bringing the ship, besides your month's advance." We objected to engage on such conditions, and we told the mate that we had signed articles for Bombay, &c., for two years; we said also that we would seek satisfaction before leaving the ship. The mate then returned and said, "I will want you to-morrow at sunrise to finish the remaining part of the cargo; I am only a servant, as well as yourselves;" we agreed to this. When we had finished discharging the Laurel, Captain Corbett then called the men all aft and said, "Men, I have done with you; I have sold the ship to the confederate government." We then said, "Did we not sign for Bombay; do you call this making a Bombay voyage; did you not know this before you left London? If we had committed ourselves according to the articles we were liable to three months' imprisonment." Captain Corbett answered, "Well, men, I cannot help it. The commander here says he will give you two months' pay for fetching the ship here, and pay your expenses home." We objected to this. And he said, "All you men that wish to join the Shenandoah remain; those who do not, go on board the Laurel; I will see you all right, but before you go I will give you all a glass of grog each." We took it and went on board the Laurel, four only remaining of the crew in the Shenandoah. Our supercargo assumed the rank of first lieutenant and commander, and he asked Captain Corbett to do all he could to get us to join him. He said he did not know what he would do without us, and offered us then £16 bounty and £7 10*s.* per month; we refused and left in the Laurel, coaled, and we were kept on board the whole time, viz., two days. We were then sent on shore by the last lighter that fetched the coals, and the Laurel steamed away directly; we were taken to an hotel by Captain Corbett, but our food being so bad we complained, and some four of the crew went to the British consul, and, previous to our landing, we were warned by the captain to state that we were distressed seaman; that our ship, the Sea King, had gone down under us; we were satisfied to say this, provided we got proper treatment. The consul said to the men, "I thought you were distressed seamen." The men stated their case, and the consul took a statement from them, sent for the captain and asked him if he could deny that; the captain said "No." We then went into the Calabar mail boat; the captain said he could not accommodate us, but the consul said he must take us, and we were to do the best we could. Captain Corbett was sent on board a prisoner, and the captain of the Calabar treated us very humanely on the passage. We arrived at Liverpool on the 11th instant, and Captain Corbett went ashore with the captain of the Calabar and the purser, and given over to the Board of Trade a prisoner; I saw nothing of him since. A message was sent on board that the owners were coming to see us, but they never appeared. The mate and steward that went with us in the Sea King came down on the Friday evening, and said, "The captain is bailed out and absconded; you won't see him no more. The owners offer you three months' pay or let it alone, as you please; so sum it up

as quick as possible. I am coming down in the morning with the owner, and will settle up with all those that like to take three months' money." I took the three months' pay, but a number would not, and I came up to London.

WM. HARRIS.

Sworn by the deponent, at my office, No. 37 Nicholas lane, in the city of London, this 19th November, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

[Enclosure No. 5.]

We, James Schutcher, of Colchester, Essex; John Adair, Donaghadee, Ireland; and John Taylor, of Torquay, Devonshire, do solemnly and sincerely swear that we were shipped at Green's Sailors' Home, on the 5th October last, as able seamen for the screw steamship Sea King, of London, Corbett, master, for a voyage to Bombay, or any port in the Indian ocean, China seas, or Japan, for a term not to exceed two years. We left the East India docks on the 8th October, and when below Gravesend we ran into a smack. We went down the channel under steam and sail, and when off Landsend the screw was taken up and she was put under reefed canvas. It soon became talked among the crew that the ship could not be intended for Bombay, as she was going under easy sail with such a fine wind; before reaching Madeira the boatswain had orders if a steamer appeared in sight to let go everything fore and aft. On the 18th October we signalled two steamers in the Funchal roads, one proved to be the Laurel, of Glasgow; she came out to us rolling very heavily; after exchanging signals both ships steamed and sailed to the island of Deserters, between thirty and forty miles distant from Madeira, to the S.E. The Laurel came to anchor, and the Sea King, after taking in her canvas, anchored also; in a short time the Laurel came alongside of us, and Captain Corbett ordered us to rig the purchases to the port main yard, preventer-lifts, &c., to transfer stores, &c., from the Laurel into his ship, so as to lift the weight of three tons; the cargo consisted of guns, shot, shell, powder, small-arms, clothing, and general stores. That night the mate came forward to us and asked us if there were any of us would join the ship, as she was sold to the confederate government; finding none of us willing, he told us to make up our minds by the morning. On the following morning we began work about half past five, (5,) and when we had finished discharging the Laurel, Captain Corbett called all the crew aft; he was then standing on the quarter-deck, and an officer in confederate naval uniform stood on his right, with two rings on his cuffs. Captain Corbett then said he had sold the ship, and pointed to this gentleman in confederate uniform as the present captain, and her name is now the Shenandoah; we were much dissatisfied, and we gave no answer; but the confederate officer offered us from £10 to £15 bounty, with £6 to £7 10*s*. per month, and two months' advance, and he requested Captain Corbett to do what he could to get as many as possible to join him. Captain Corbett then said those that wish to remain in the Shenandoah stop, the others go on board the Laurel; we did so; only four remaining on board the Shenandoah; the crew, or rather a number of men and officers, then went into the Shenandoah; this was about 12 o'clock: in all, there were not more than from thirty to forty, and certainly not more than twenty able seamen among them, the remainder being principally officers. The confederate flag was hoisted about 4 o'clock p. m., and the Laurel then took us to Santa Cruz, Teneriffe; we arrived on the 20th October, and were kept on board till the Laurel had finished coaling, and sent ashore in the last coal barge that left the Laurel. On the 22d October we were then told by the mate, and afterwards the captain, that if any question should be asked us, to say we were distressed seamen, and state the same to the British consul if asked. We were then taken to the Hotel de la Mariner, but no proper provision being made for us, and after complaining to the captain without getting satisfaction, four of our crew went to the British consul and stated our case; he took their statement on oath; we were then placed on board the Calabar mail steamer as deck passengers, the captain coming with us, who stated that he was a prisoner. We arrived at Liverpool on Friday, the 11th November, and the captain went ashore with the captain of the Calabar and purser. On the Saturday morning we took three months' wages. There was so communication between the two ships but by signals, until we had arrived at the island, when Captain Ramsay, of the Laurel, came on board in a boat, and said he would be alongside in half an hour with the stores and guns; no negotiations were made for the sale of the vessel until after we had left the ship and the confederate flag was hoisted on board the Sea King.

JAMES his + mark. SCHUTCHER.

Witness to to the mark of James Schutcher:
ROBERT WARNE.

Sworn by the deponent, James Schutcher, at my office, No. 11 Abchurch lane, in the city of London, this the 26th day of November 1864, the witness to the mark of the deponent

being first sworn that he has truly, distinctly, and audibly read over the contents of the above affidavit of the said deponent, and that he saw him make his mark thereto, before me.

HENRY D. PHILLIPS,
A London Commissioner, &c.

JOHN ADAIR.
JOHN TAYLOR.

Sworn by the deponents, John Adair and John Taylor, at my office, No. 11 Abchurch lane, in the city of London, this 26th day of November, 1864, before me.

HENRY D. PHILLIPS,
A London Commissioner to administer oaths in chancery.

B.

[Enclosure No. 6.]

LONDON, *December* 1, 1864.

Thomas Gibson, fireman, has leave of absence until the 1st of January, 1865, and will, at the expiration of his leave, report for duty aboard the Confederate States steamer Rappahannock at Calais, as one of the crew of the Florida.

C. MARRIGAULT MORRIS,
Lieutenant Commanding.

[Enclosure No. 7.]

I, Thomas Gibson, of Great Britain, do solemnly and sincerely swear, that I was fireman on board the confederate war steamer Florida, and was paid off at the St. Katherine Hotel, opposite the St. Katherine dock, on Monday, the 5th instant, by Captain Morris, and Captain Morris signed my liberty ticket which was handed to me by Lieutenant Barnes, in the presence of Captain Taylor, the paymaster, and Mr. King, the master's mate, and the liberty ticket attached to this statement is the one that was given to me by Lieutenant Barnes.

THOMAS GIBSON.

Sworn by the deponent, Thomas Gibson, at my office, No. 37 Nicholas Lane, in the city of London, this 22d day of December, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

[Enclosure No. 8.]

I, William Young, of Great Britain, do solemnly and sincerely swear, that I was fireman on board the confederate war steamer Florida, and was paid off at the St. Katherine's Hotel along with the remainder of the crew of the Florida, as stated by deponent Thomas Gibson, on the same date and time, and in the presence of Captain Morris, Paymaster Taylor, Lieutenant Barnes and Mr. King, master's mate. I received a liberty ticket, worded, signed and delivered to me the same as deponent Thomas Gibson, which is attached.

WILLIAM YOUNG.

Sworn by the deponent, William Young, at my office, No. 37 Nicholas Lane, in the city of London, this 22d December, 1864, before me.

JOHN CASTLE GANT,
A London Commissioner to administer oaths in chancery.

C.

[Enclosure No. 9.]

I, Robert Nuthall, 1st assistant engineer on board the Confederate States vessel-of-war Rappahannock, commanded by W. P. A. Campbell, lieutenant commanding C. S. N., *do* by these presents allot forty-eight fifty one-hundredth dollars per month of my pay for the support of my family; and I do hereby appoint Jones & Co., ship-brokers, Liverpool, my attorney, to receive for that purpose from the navy agent at the port of Liverpool, England,

the said sum of forty-eight fifty one-hundredth dollars monthly, for the term of twenty-four months, the first payment to be made on the thirty-first day of March, 1864.

In witness whereof, I have hereunto set my hand and seal the 27th day of February, 1865.

ROBERT NUTHALL. [L. S.]

In presence, and with the approbation of

WILLIAM P. A. CAMPBELL,
Lieutenant Commanding, C. S. N.

Registered by DOUGLAS F. FORREST,
Assistant Paymaster, C. S. N.

Mr. Moran to Mr. Seward.

LONDON, *July* 28, 1865.

MY DEAR SIR: Mr. Adams directs me to forward the enclosed letter and bill in the case of the United States *vs.* Prioleau, and to say that, as the report of the hearing has not been received by him, he will be obliged to postpone sending it until next week.

I am, my dear sir, with great respect, your very obedient servant,

BENJAMIN MORAN.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Messrs. Harvey, Jevons & Ryley to Mr. Adams.

EUSTON HOTEL, *July* 27, 1865.

THE UNITED STATES OF AMERICA *vs.* PRIOLEAU AND OTHERS. } In chancery.

SIR: We send you herewith a print of the bill filed in this case, and will send you a copy of the short-hand writer's notes of the argument and judgment at the hearing yesterday befor Vice-Chancellor Page Wood.

It will be observed by the bill and the short-hand writer's notes, when you have them, that the case, as put by the pleadings and argued at the bar, is that the so-called confederate government (which is styled throughout a pretended government) could neither acquire nor hold, property; and though the vice-chancellor did not adopt the argument fully, his decision only involved the conclusion that the United States of America is the only lawful government, and entitled, as such, to all the public property of the United States.

The motion yesterday dealt with the question of protecting the property pending the investigation of the facts, and before the hearing of the cause. The case to be contended for on behalf of the United States of America can be well considered, having reference to the facts as they will then appear.

We have the honor to be, sir, your obedient, humble servants,

HARVEY, JEVONS & RYLEY.

Hon. CHARLES FRANCIS ADAMS,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America, 5 Portland Place, London.

1865. U. No. 20. Filed 18th July, 1865. Amended 24th July, 1865. By order dated —— July, 1865.

In chancery —Lord chancellor, Vice-Chancellor Wood—between the United States of America, plaintiffs, and Charles Kuhn Prioleau, Theodore Dehon Wagner, James Thomas Welsman, William Lee Trenholm, William Greer Malcolmson, Andrew Malcolmson, —— Legarde, the Mersey Docks and Harbor Board, and C. G. Ramsay, (out of the jurisdiction of the court,) defendants.

Amended bill of complaint.

To the Right Honorable Robert Monsey Baron Cranworth, of Cranworth, in the county of Norfolk, lord high chancellor of Great Britain:

Complaining, show unto his lordship the United States of America, the above-named plaintiffs, as follows:

1. The plaintiffs sue and may be sued in respect of all matters touching the interests or public property of the United States by their corporate title of the United States of America, and not otherwise.

2. Previously to the shipment of the cotton after mentioned, divers persons who are inhabitants and subjects of the United States rose in rebellion against the government of the plaintiffs, and formed themselves into an association for the purpose of carrying on the said rebellion. The said several persons usurped the plaintiff's authority, and established in part of the plaintiff's dominions a pretended government, under the style of the government of the Confederate States, which assumed the administration of public affairs there, and they continued to exercise such usurped authority until the rebellion was put an end to, as after mentioned.

3. The said pretended government, during the period of their exercising such usurped authority as aforesaid, possessed themselves of divers moneys, goods, and treasure which were part of the public property of the plaintiffs, and other moneys and goods were from time to time paid and contributed to them by divers persons, being inhabitants of the United States, and who owed allegiance to the plaintiffs, or were seized and acquired by the said pretended government in the exercise of their usurped authority, and all the said moneys and goods became part of the public property of the said pretended government, and were employed, or intended to be employed by them, for the purposes of the said pretended government, and in aid of the said rebellion.

4. The said pretended government, some time since, caused a large quantity of cotton, which had been contributed by divers inhabitants of the United States to the said pretended government in manner aforesaid, or had been otherwise acquired by the said pretended government by virtue of and in exercise of such usurped authority as aforesaid, and which had become part of the public property of the said pretended government, to be shipped from Texas (being a place within the dominion and subject to the authority of the plaintiffs) to Havana, with a view to its being shipped thence to England and being sold there on account and on behalf of the said pretended government, and they shortly afterwards caused to be shipped on board the Aline a cargo of the last-mentioned cotton, consisting of 1,356 bales or thereabouts, destined for England.

5. The said ship set sail under English colors from the port of Havana on the 10th June, 1865, with the said cargo of cotton on board. The defendant ——— Legarde is the master of the said ship.

6. The said cotton, the subject-matter of this suit, was shipped in the name of the defendant C. G. Ramsay, not on his own account, but as agent only, and on behalf of the said persons, who had formed themselves into and constituted the said pretended government.

7. The said cotton, the subject-matter of this suit, was consigned by the said C. G. Ramsay to the defendants Charles Kuhn Prioleau, Theodore Dehon Wagner, James Thomas Welsman, and William Lee Trenholm, who are merchants carrying on business in Liverpool under the firm of Messrs. Frazer, Trenholm & Co., for sale there. The said ship carried 102 further bales of cotton, consigned to Edward McDowell and George Halidays, of Liverpool, and 3 bales consigned to or in charge of the defendant ——— Legarde, but which last-mentioned cotton is not the subject of this suit.

8. The said ship Aline has recently arrived with the said 1,356 bales of cotton on board at the port of Liverpool, and she is about to discharge her cargo there. The said ship is consigned to the defendants William Greer Malcolmson and Andrew Malcolmson, of Liverpool, and they now, in conjunction with the said master and with the dock board after mentioned, have control over the last mentioned cotton. The defendants Charles Kuhn Prioleau, Theodore Dehon Wagner, James Thomas Welsman, and William Lee Trenholm, hold the bills of lading of the last-mentioned cotton, and they threaten and intend to possess themselves of the said cotton and to sell the same.

9. The said ship, with her said cargo on board, has recently been placed in the docks of the defendants the Mersey Docks and Harbor Board, of Liverpool, who are incorporated under the Mersey docks and harbor act of 1857, and she is about to discharge her cargo in the said docks, and her said cargo is now in the possession and power of the last-named defendants.

10. The said rebellion is now at an end, and the said association, or so-called confederate government, has been dissolved and has ceased to exist, and the several persons who had formed themselves into the said pretended government, and on whose account the said cotton was shipped as aforesaid, have submitted to the authority of the government of the United States, and have expressly ceded and made over to the plaintiffs all the joint or public property of the persons who constituted the said pretended or so-called confederate government, including the said cotton shipped by the Aline and consigned to Frazer, Trenholm & Co., as aforesaid; and they do not, nor does any person on their behalf, now claim to be entitled to or interested in the said cotton, and by reason of the said pretended government having been dissolved, they cannot be made parties and they are not in fact necessary parties to this suit.

11. The said cotton, consigned to Frazer, Trenholm & Co. aforesaid, is now the absolute property of the plaintiffs, and ought to be delivered up to them.

12. The defendants Charles Kuhn Prioleau, Theodore Dehon Wagner, James Thomas Welsman, and William Lee Trenholm hold the bills of lading of the said cotton, consigned to them as aforesaid, as agents only on behalf of the plaintiffs; and the plaintiffs have caused to be served on them, and also on the other defendants in this country, a notice of the plaintiffs' title requiring them respectively not to part or deal with the said cotton without the consent of the plaintiffs, but they refused to act upon the orders of the plaintiffs, and the de-

fendants, the consignees of the cotton and of the ship, respectively allege that they are bound to follow some instructions which they allege they some time since received from some person or persons unknown to the plaintiffs, to deliver and sell the said cotton in Liverpool; and the defendants, the Mersey Docks and Harbor Board, insist that they are bound to deliver the said cargo to the other defendants, the holders of the bills of lading thereof, who have offered the dock board an indemnity against the plaintiffs' claim, and the defendants, the holders of the bills of lading on the said cotton, will sell the said cotton and remit the proceeds thereof to some persons other than and unknown to the plaintiffs, unless restrained by the injunction of this court, and if the said defendants succeed in so doing the said cotton will be absolutely lost to the plaintiffs.

13. The defendants Charles Kuhn Prioleau, Theodore Dehon Wagner, James Thomas Welshman, and William Lee Trenholm, notwithstanding the said notice, still insist on their right to obtain possession of and to sell the said cotton, and they threaten and intend to commence actions at law against the defendants William Greer Malcolmson, Andrew Malcolmson, and ——— Legarde, and against the defendants the Mersey Docks and Harbor Board, to recover the cotton, and they will proceed therewith and obtain judgment and issue execution thereunder, unless restrained by the injunction of this court.

14. The said cotton consigned to Frazer, Trenholm & Co., as aforesaid, is of great value, but the price thereof fluctuates. It is now estimated as worth £50,000.

15. Divers letters and written and oral communications have passed between the defendants, respectively, and divers persons acting on their behalf, on the one hand, and the said pretended government and divers members, agents, and officers thereof, and the defendant ——— Legarde and other persons, on the other hand, mentioning, or relating, or referring to the said ship Aline and the said cotton and to the shipment and consignment thereof, and showing, or purporting to show, or otherwise referring to the person from whom and the mode in which and the objects for which the said cotton was acquired and shipped, and showing the real title to the said cotton and by which the truth of the matters aforesaid would appear.

16. The defendants have in their possession or power the letters and written communication herein mentioned or referred to and divers copies of and extracts therefrom, and divers manifests, invoices, bills of lading, books, accounts, letters of advice, letters of instruction, and other letters and copies of and extracts from the same, receipts, vouchers, documents, memoranda, papers and writings, mentioning or referring to the matters herein mentioned, or by which the truth thereof would appear, but the defendants refuse to produce or discover the contents of the same.

17. The defendant C. G. Ramsay is now residing in America, out of the jurisdiction of this court.

PRAYER.

The plaintiffs pray as follows:

1. That the said cotton, consigned to the said Messieurs Frazer, Trenholm & Co., as aforesaid, may be decreed to be delivered up to the plaintiffs or as they may direct.

2. That the defendants William Greer Malcolmson, Andrew Malcolmson, and ——— Legarde, and also the defendants the Mersey Docks and Harbor Board, their servants and agents, may be restrained by the order and injunction of this honorable court from delivering the last-mentioned cotton, or any part thereof, to, or causing or permitting the same to be received by, the defendants Charles Kuhn Prioleau, Theodore Dehon Wagner, James Thomas Welsman, William Lee Trenholm, or any of them, or to or by any person or persons other than the plaintiffs or as they may direct, and that the said last-named defendants, their servants and agents, may respectively be restrained in like manner from obtaining possession of or selling or parting with the said cotton, or any part thereof, and from negotiating or parting with the bills of lading thereof, and from otherwise dealing with the same, or from paying over the proceeds thereof in case the same shall have been sold by them, or causing or permitting the said cotton or bills of lading or proceeds to be received by or to be paid over to any person or persons other than or except by the direction of the plaintiffs.

3. That the defendants Charles Kuhn Prioleau, Theodore Dehon Wagner, James Thomas Welsman, and William Lee Trenholm, respectively, and their respective attorneys and solicitors, may be restrained by the order and injunction of this honorable court from commencing or instituting any action, suit, or other proceeding at law or in equity against the other defendants, or any of them, for recovering or otherwise in respect of the said cotton or the bills of lading thereof.

4. That, if necessary, a receiver may be appointed, with power to sell the said cotton.

5. That all proper inquiries may be made and directions given for the purposes of this suit.

6. That the plaintiffs may have such further or other relief as the circumstances of the case may require.

GEORGE DRUCE.
Amended: GEORGE DRUCE.

Names of defendants.—The defendants to this bill of complaint are Charles Kuhn Prioleau, Theodore Dehon Wagner, James Thomas Welsman, William Lee Trenholm, William Greer Malcomson, Andrew Malcomson, ——— Legarde, the Mersey Docks and Harbor Board, and C. G. Ramsay, (out of the jurisdiction.)

Note.—This amended bill is filed by Messrs. Sharpe & Parker, of No. 41 Bedford Row, in the county of Middlesex as agents for Messrs. Harvey, Jevons & Ryley, of Liverpool, the solicitors of the above-named plaintiffs.

Mr. Hunter to Mr. Adams.

No. 1495.] DEPARTMENT OF STATE,
Washington, July 28, 1865.

SIR: Your despatch of the 13th instant, No. 1011, relating to the incidents connected with the case of the Rappahannock, has been received.

Instruction No. 1485, of the 25th instant, expresses a hope which you have well anticipated in your proceedings thus far in regard to this vessel and others of its class. The nature and extent of the judicial steps which may be necessary to secure their delivery to the authorities of the United States are left to your discretion to determine upon, and due provision will be made for the payment of such expenses as may be thus incurred; but I cannot forbear from remarking, that a course on the part of her Majesty's government similar to that pursued by Spain in surrendering the Stonewall, while it would show only a just consideration for the rights of the United States, and would relieve you of the labor of superintending the details of judicial proceedings, would unquestionably exert a happy effect upon the relations between the two countries; I would therefore suggest that you address to Earl Russell a communication with that object in such terms as your judgment may dictate.

I enclose for your information a copy of the correspondence relating to the surrender of the Stonewall.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[For enclosures see correspondence with the Spanish legation, current series.]

Mr. Hunter to Mr. Adams.

No. 1497] DEPARTMENT OF STATE,
Washington, July 31, 1865.

SIR: Your interesting despatch of the 13th instant, No. 1014, relative to the feeling evinced towards the United States during the recent elections which have taken place in England, has been received. Those elections, so far as they indicate sympathy with our national cause and promise progress in liberal ideas, are highly gratifying, and your remarks upon the dependence of those ideas upon the course of events here are judicious, and I trust will be duly appreciated.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c, London.*

Mr. Hunter to Mr. Adams.

No. 1498.] DEPARTMENT OF STATE,
Washington, July 31, 1865.

SIR: Your despatch of the 13th instant, No. 1010, and its accompaniments, containing expressions of sympathy with the government and people of this country, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1499.] DEPARTMENT OF STATE,
Washington, July 31, 1865.

SIR: Your despatch of the 13th instant, informing me of your intention to endeavor to obtain further evidence in regard to the armament of the Stonewall *alias* the Olinde, has been received and is approved.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London.*

Mr. Adams to Mr. Seward.

No. 1025.] LEGATION OF THE UNITED STATES.
London, August 3, 1865.

SIR: I have the honor to transmit a full report of the proceedings in the court of chancery in the case of the cotton claimed by the United States.

I have reason to believe that the decision of the Vice-Chancellor is regarded with some distrust in its possible bearing upon the other proceedings against the vessels in the admiralty court. If it be once admitted that the acts of the late rebel agents are valid to change the property in their hands, it becomes difficult to dispute any disposition they may have chosen to make of it. There is good reason for believing that most of the vessels have passed through some form of transfer to private hands. The law, however, seems to me so clear in regard to the invalidity of any transfer of the armed vessels of a belligerent to neutral parties that I cannot suppose any doubt will be entertained of the decision to that extent. There may, however, be a little more question in regard to any transfer of that class of vessels which cannot be proved to have been absolutely employed in carrying on hostilities.

My own opinion has been in favor of at least pressing the courts to a clear decision in all the cases. Difficulties have been made about proving absolute ownership in the rebel authorities, which are characteristic of the proclivities of the profession in this kingdom. All that I can say is, that such difficulties were not regarded as serious by the Crown lawyers of this government, when it became necessary to determine the character of the very dubious vessel, the Nashville. The distrust usually perceptible in pushing any claims, however apparently well grounded on behalf of the United States, in the courts, has now made itself apparent to me, and impaired my confidence in ultimate success. Nevertheless. I have felt it my duty to omit no step on that account which the national dignity would seem to demand in maintenance of its just rights.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

VICE-CHANCELLOR WOOD'S COURT, LINCOLN'S INN,
Wednesday, July 26, 1865.

THE UNITED STATES OF AMERICA
vs.
PRIOLEAU.

Transcript of Mr. Tolcher's short-hand notes of judgment.

The VICE-CHANCELLOR. There are one or two points which I think are tolerably clear in this case. The first point is with reference to the right of the United States of America, at this moment, to the cotton subject to the agreement; I treat it first in that way. It has scarcely been disputed on the present argument, and could hardly be disputed at any future stage of the inquiry, that the right is clear and distinct; because the cotton in question is the admitted result of funds raised by a *de facto* government, exercising authority in what were called the Confederate States of America—that is to say, several of those States, which in union formerly constituted the United States, and which now in fact constitute them, and that *de facto* government exercising its powers over a considerable number of States, (more than one would be quite enough,) raises money, be it by voluntary contribution or be it by taxation is not of much importance. The defendant Prioleau in cross-examination, admits they exercised considerable power of taxation, and with those means, and claiming to exercise that authority, they obtained from several of the States of America funds by which they purchased this cotton for the use of the *de facto* government. That being so, and that *de facto* government being displaced, I apprehend it is quite clear the United States of America, that is to say, the government which has been successful in displacing the *de facto* government, and whose authority was usurped or displaced, or whatever term you may choose to apply to it, the authority being restored, the United States of America stand in reference to this cotton in the position of those who have acquired on behalf of the citizens of the United States a public property; because otherwise, as has been well said, there would be nobody who could sue in respect of, or deal with, property that has been raised, not by contribution of any one sovereign State, which might raise a question owing to the peculiar constitution of the union, such as if it had been raised in Virginia or Texas or in any given State; but the cotton is the produce of levies, voluntary or otherwise, on the members of the several States which have united themselves into the United States of America, and which are now under the control of the present plaintiffs, and are represented for all purposes by the present plaintiffs. That being so, the right of the present plaintiffs to this cotton subject to this agreement is, I think, clear, because the agreement is an agreement purporting to be made on behalf of the then *de facto* existing government, and not by other persons. That case of the King of the Two Sicilies and the case of the King of Spain, and other cases of the same kind, which it is not necessary to go through, show that whenever a government *de facto* has obtained the possession of property, as a government, and for the purposes of the government *de facto*, the government which displaces it succeeds to all the rights of the former government, and, among other things, succeeds to the property they have so acquired.

Now I come to the second head of the question: and I confess at this moment, as at present advised, (of course it will open to more argument hereafter,) I do not feel much doubt on the subject, namely, the question whether or not taking this property they must or must not take it subject to the agreement. It appears to me at present they must take it subject to the agreement. It is an agreement entered into by a *de facto* government, treating with persons who have a perfect right to deal with them. I apprehend, if they had been American subjects, they might do so. One of them, Prioleau, is not an American subject, at least I have no evidence that he is. He is a naturalized British subject; he would have a perfect right to deal with a *de facto* government, and it cannot be compared with any one of those cases Mr. Gifford put, of persons taking the property of another with knowledge of the rights of that other. That is a species of argument that cannot be applied to international cases of this description, and for a very good reason. If so, there would be no possibility, during the existence of a government *de facto*, of any person dealing with that government in any part of the world. The courts of every country recognize a government *de facto* to this extent, for the purpose of saying, you are established *de facto* if you are carrying on the course of government, if you are allowed by those whom you affect to govern to levy taxes on them, and they pay those taxes, and contribution is made accordingly, or you are acquiring property and are at war, having the rights of belligerents, not being treated as mere rebels, but having the rights of belligerents by persons who say they are the authorized government of the country. Other nations can have nothing to do with that matter. They say we are bound to protect our subjects who treat with the existing government, and we must give to those subjects in our country every right which the government *de facto* can give to them, and must not allow the succeeding government to assist any right as against the contracts which have been entered into by the government *de facto*, but as expressed by Lord Cranworth in the case referred to; they must succeed in every respect to the property as they find it, and subject to all the conditions and liabilities to which it is subject, and by which they are bound. Otherwise, I do not see any answer to Mr. James's illustration, and I do not see why there should not have been a bill filed to have the Alabama delivered up. I do not see

why, when the two vessels were in the port of Southampton with their flags flying at the mast-head, there should not have been a bill filed in this court to have the Alabama given up, because on the theory of the present plaintiffs it was their property just as much as this cotton is now. If the case had been this, and it is the only case I can consider as making any difference, but that difference would be fatal to the plaintiff's case in another point of view, if they had been a set of marauders, a set of robbers, (as was said to be the case in the Kingdom of Naples, truly or untruly,),devastating the country and acquiring property in that way, and then affecting to deal with your subjects in England, it would not be the United States, but the individuals who had been robbed and suffered who would come as plaintiffs. That would be fatal to the claim of the United States as plaintiffs. The United States could only come to claim this because it has been raised by public contribution; and although the United States who are now the government *de facto* and *de jure* claim it as public property, yet it would not be public property, unless it was raised, as I have stated, by exercising the rights of government, and not by means of mere robbery and violence.

I confess, therefore, I have so little doubt of this agreement being one that would be binding on the plaintiffs that I cannot act against these gentlemen without securing to them the reasonable benefit of this agreement, and I cannot put them under any terms which would exclude them from the reasonable benefit of what they are entitled to, and must be held entitled to, as, I think, at the hearing of the cause.

As to the reasonable benefit of the agreement itself, the matter stands thus: It is open to argument, and that is enough for the purpose of securing the fund at the hearing; to say that the measures of the defendant's rights will be this, I am not precluding it as against him at all, but merely mention it to secure the fund in the interim; that he will be entitled only to take the expenses of sailing the vessel, and so on, out of the gross proceeds, then he will have to divide the surplus into moieties. One moiety of the whole clearly belongs to the plaintiffs, (all that is very agreeable at the hearing, and I say no more upon it at present,) and the other moiety would have to pass to account for the purchase-money of the eight ships; and then, of course, passing to the account of the purchase-money of the eight ships, the plaintiffs would be entitled to have the eight ships.

There is a clause at the end which did not escape my attention, that he shall take the ships or such as shall remain. That does not apply to selling them to the Brazils, or to anybody else, but to sinking or destroying them. As I read the agreement at present, I incline to think they were to be paid for if destroyed, that is to say, by blockading vessels, accidents at sea, and so on.

That being so, the defendants then swearing that they are under liabilities to the extent of £20,000, that they have actually accepted bills for more than one-half that amount and are liable for the rest; I do not think I ought to deal with them in respect to that £20,000 in any way, but I treat that as a matter which they may put into their own pockets, subject to the possibility of their being called on to refund, if any different view should be taken at the hearing, or if, on taking the account, there should be found due less than is really at this moment claimed. But, on the other hand, with regard to the separate £40,000, divided now into two parts, £20,000 having gone to the expenses, and the other £20,000 remaining; of that £20,000 it appears to me at present the plaintiffs would be entitled to one-half, and if the defendants insist on laying by the other £10,000, it can only be on the terms of their having come with promptitude, ready to let it be surrendered; when this money shall be raised they cannot hold both the vessels and the money, they have got four of them and sold one, and have been paid a great deal of money by cotton; on the others that are afloat: it does not appear to me I could possibly leave them in possession of the property without their giving security or paying into court (it does not signify which) everything ultra the £20,000.

Therefore, the proper order will be to appoint Mr. Prioleau receiver, he having giving security for the value *ultra*. I think I will fix it at £20,000 at once, he either giving security for £20,000, or undertaking on or before the 2d November to pay £20,000 into court.

Mr. ROLT. Your honor said something about paying into court the £20,000 *ultra*, what is realized.

The VICE-CHANCELLOR. It is this: I assume your property will be £40,000, and I give you £20,000 for the present; then I appoint you receiver, you either giving security for the £20,000, (which I assume to be the balance for the present purpose,) or, if you prefer not giving security, undertaking to pay it into court before the first day of Michaelmas term.

Mr. ROLT. I think the first day of Michaelmas day would be better. I will communicate with my client, but if your honor would put it a little later than that, the cause might be heard and disposed of in the course of Michaelmas term.

Mr. GIFFORD. I doubt that.

The VICE-CHANCELLOR I confess I think they should have reasonable security until the hearing that the money will be forthcoming, however high the house may stand. I appoint you receiver, which makes you accountable of course; you act as receiver under the court.

Mr. ROBINSON. Your honor sees that at present there are some very heavy charges on this cotton; my client states in his affidavit that the freight alone is £1,300 and over.

The VICE-CHANCELLOR. All that they take upon them. They get the £20,000; he acts as receiver, and that will make him at once accountable to the court. It will be without prejudice to any question in the cause; appoint Mr. Prioleau receiver, he giving security for

£20,000; that is one alternative of the order or undertaking on or before the 2d day of Michaelmas term to pay £20,000 in court.

Mr. ROLT. I do not think it necessary to settle it now; we shall give security, no doubt.

The VICE-CHANCELLOR. I give them the option any time before drawing up this order.

Mr. ROLT. It will be either to give security or to pay on or before the 2d day of Michaelmas term.

The VICE-CHANCELLOR. No, no; the order should specify what it is to be.

Mr. OSBORNE. I suppose the Dock Company will be entitled to deliver it up to the receiver.

The VICE-CHANCELLOR. The receiver is the receiver appointed by the court.

Mr. ROLT. Why the Dock Company was ever made a party the United States may explain.

Mr. DRUCE. I can explain it in a moment; I am told they would at once have given up the property to you, unless we had made them parties.

Mr. ROLT. Sir, Mr. Prioleau elects to give security for £20,000.

The VICE-CHANCELLOR. Very well. He acts as receiver under the court and is accountable.

Mr. ROLT. That is without prejudice to any question, of course.

The VICE-CHANCELLOR. Yes, without prejudice to any question.

Mr. ROLT. The cotton must be delivered up to him at once.

The VICE-CHANCELLOR. He is receiver.

Mr. ROLT. I mean he is not to wait until the order is handed out.

Mr. GIFFORD. I dare say the registrar will hand the order out at once.

The VICE-CHANCELLOR. Mr. Rogers will give it out as quickly as possible.

Mr. ROLT. We must have the cotton; we undertake to give security as promptly as the plaintiffs can have the order drawn up.

Mr. DRUCE. Mr. Prioleau undertakes to act as if the order had been drawn up to-day; I have no doubt that will be sufficient

Mr. ROLT. Yes, certainly; Mr. Prioleau is here and will undertake.

Mr. ROBINSON. And we will send word down this very day to discharge.

The VICE-CHANCELLOR. Yes; all who are here present as defendants will be at liberty to deliver up to the receiver; indeed it will be ordered to be delivered up to the receiver.

Mr. DRUCE. Anybody who does not deliver to the receiver will be attached.

Mr. ROBINSON. There are certain charges.

The VICE-CHANCELLOR. You have heard the order of the court appointing the receiver, and you will deliver over to him; you will look out for your own charges.

Mr. GIFFORD. If you hand over to the receiver you will be indemnified, of course.

Mr. ROLT. The freight and all shipping charges will be paid by the receiver.

Mr. DRUCE. We had better dismiss the Dock Company.

The VICE-CHANCELLOR. That you might do; dismiss the Dock Company and pay them their costs.

Mr. GIFFORD. Very well; without prejudice to how the same are ultimately to be borne.

Mr. ROLT. Without prejudice to any question. Is it to be entered that Mr. Prioleau, being in court and undertaking to act as if the order were now drawn up?

The VICE-CHANCELLOR. Yes; he undertakes to act as if the order were already drawn up.

Mr. GIFFORD. That need not be put in the order.

Mr. ROLT. We had better indorse it on our briefs, and then let the cotton be delivered up to him forthwith.

The VICE-CHANCELLOR. Yes.

[At the rising of the court:]

Mr. GIFFORD. Will your honor allow me to mention the case of the United States *vs.* Prioleau. We propose, with your honor's sanction, to dismiss the Malcomsons and Legarde. We would merely ask, as nobody objects, to dismiss them.

The VICE-CHANCELLOR. There cannot be any difficulty in that.

Mr. Hunter to Mr. Adams.

No. 1501.] DEPARTMENT OF STATE,
Washington, August 5, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 20th ultimo, No. 1017, transmitting, through the agency of Mr. Morse, our consul at London, the depositions of certain parties, which fully indicate the part taken by the steamer City of Richmond in supplying the Stonewall with armament and crew.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1503.] DEPARTMENT OF STATE,
Washington, August 5, 1865.

SIR: Your despatch of the 21st of July, No. 1019, enclosing a resolution of condolence on the assassination of the late President, adopted by the Northern Presbytery of Antrim, at a meeting held on the 6th ultimo, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1504.] DEPARTMENT OF STATE,
Washington, August 8, 1865.

SIR: Your despatch of the 13th of January, No. 1014, was duly received, but an acknowledgment of it has been delayed by reason of my temporary withdrawal from the department to the sea-shore, in search of health.

The paper gives us, in part, accurate information concerning the general nature of the result of the popular elections in Great Britain. It was especially gratifying to observe that the indulgence of just and generous sentiments towards the United States did not operate to the prejudice of candidates for seats in the House of Commons. This satisfaction has been increased by later accounts comparing the views of the electors which you have expressed with so much confidence.

I desire to forbear from speculating upon the purely domestic aspects of the political situation of the kingdom. It would nevertheless be impossible, as it would be unnatural, not to contemplate with peculiar pleasure the return, in Europe, of sentiments favorable to universal progress in freedom, and the enlargement of free institutions of government throught the world.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London.*

Mr. Seward to Mr. Adams.

No. 1507.] DEPARTMENT OF STATE,
Washington, August 10, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch No. 1022, together with papers which contain an interlocutory decree which has been made by the Vice-Chancellor in a suit of the United States against Priolean and others, which suit was instituted for the recovery of 1,356 bales of cotton. A copy of the Vice-Chancellor's reasons for the interlocutory decree is found among the same papers. The Vice-Chancellor is understood to have affirmed the title of the United States to the property in question. It is with the judgment of the Vice-Chancellor, and not with the reasons that he assigns for such judgment, that the United States are concerned. In this view of the subject it might seem proper for this government to leave the subject unnoticed. The frankness, however, which ought to be practiced in the proceedings of states, require an explanation of the views which this government has taken of the questions which the Vice-Chancellor has discussed in his reasons before mentioned.

The United States do not admit that the combination of disloyal citizens which has raised the standard of insurrection is now, or has at any previous time been, a government *de facto*, or in any sense a political power, capable of taking, holding, giving, asserting, or maintaining corporate rights in any forum, whether municipal or international. It is true that a different view of the character of the insurgents has seemed to find favor with some portions of the British nation, and even with the British government. It must be remembered, however, as equally true, that so often as that antagonistical opinion has been advanced by her Britannic Majesty's government in its intercourse with the United States, it has been firmly, though, as we trust, always courteously, denied.

The United States controvert and deny the declaration of the Vice-Chancellor, that they are "successors" of the rebellion; and, on the contrary, they maintain that they are now, and during all the time of the rebellion have been, just what they were before the rebellion began—a sovereign state, absolutely entitled to the regulation and control of all property and persons within the United States, subject only to the limitations of their own constitution.

It need hardly be said that the United States will hold themselves under no obligations whatever to accept of, or to conform their proceedings to, conditions which the court of chancery, or any other municipal court of Great Britain, may have the presumption to dictate or prescribe in the present or any other litigation. They claim and insist upon the restoration of the cotton now in question; and while they are content to receive it through the decrees of the municipal tribunals of Great Britain, they insist upon their absolute right to the same through the action of her Britannic Majesty's government. You may instruct the counsel who are acting in behalf of the United States, in the views herein expressed. Her Majesty's government have not in any way made themselves responsible for the positions assumed by the Vice-Chancellor, and therefore it would seem not only unnecessary, but even improper, to bring, at the present time, the subjects herein discussed to the attention of Earl Russell. If, however, you should discover that her Majesty's ministers are laboring under any misapprehension of the views of this government which should seem to need correction, you will supply such correction upon a proper occasion, and in a friendly and courteous manner.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1028.] LEGATION OF THE UNITED STATES,
London, August 10, 1865.

SIR: * * * * * * * * *

In obedience to the instructions contained in No. 1481, of the 20th of July, I have addressed a note to Lord Russell, demanding the restoration of the schooner St. Mary's, remaining at Anotta bay, in the island of Jamaica. Owing to the absence of the necessary dates, it was difficult to prepare a statement of facts in any other than a tentative manner, and still more so to rest an argument upon them. The case, however, appears to be tolerably clear.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1030] LEGATION OF THE UNITED STATES,
London, August 10, 1865.

SIR: In regard to the subject-matter of your despatch No. 1483, of the 24th of July, I have only to remark, that hitherto I have had no reason to suspect any political significance in the presence of the widow of the late King of Hawaii in this kingdom. I have seen her at several social assemblages, public or private, and was myself presented to her by the Bishop of London, at his palace, at Fulham. It is not impossible that she may fall into the hands of some persons here who would be anxious, through her, to promote the dissemination of the doctrines of the established church in the Sandwich Islands. Some fear of this may be the reason of the anxiety betrayed in the letter of Mr. Anderson, a copy of which accompanied your despatch. But, judging from the character of those immediately around her, it does not appear to me that much importance is attached to her visit by the members of the government.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1031.] LEGATION OF THE UNITED STATES,
London, August 10, 1865.

SIR: I have given some reflection to the subject of your despatch No. 1484, of the 25th of July, relating to the depredations of the Sea King in the sea of Okhotsk. These must have been committed at a period before the orders alleged to have been sent out from the rebels claiming authority here to stop all further operations were received. The name of the commander is stated to be Waddell. If there is a probability that memorials respecting the losses will be prepared and sent forward, I am strongly of opinion that it would be better to wait for them as a basis of a formal claim of indemnification, rather than to make one now, without evidence or knowledge of fact other than what comes from a vague statement communicated by telegraph from San Francisco. Entertaining this opinion, I shall venture to postpone action until further advices.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1032.] LEGATION OF THE UNITED STATES,
London, August 10, 1865.

SIR: In respect to the matter referred to in your despatch No. 1485, of the 25th of July, you will before this have been informed by me of the steps which I assumed the responsibility to take in advance of your instructions. The only doubt which I feel is as to the mode of proceeding which I selected, a doubt which is fortified by my general observation of the tendency of all movements conducted by the lawyers of this country on behalf of the United States in British courts. On the other hand, had a direct demand been made upon the British government for the surrender of the vessels in question, I feel very sure that we should only have been thrown back to the same resource in the end. The language of Lord Russell's notes on the subject appears to me clearly to show that. Inasmuch as you must have been put in possession of a knowledge

of the movements actually initiated by me soon after the date of your latest despatches received here, I shall await the communication of your impressions respecting them before writing any more.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1509.] DEPARTMENT OF STATE,
Washington, August 12, 1865.

SIR: The Secretary of the Navy has communicated to this department a despatch of the 24th ultimo, addressed to him by Rear-Admiral Goldsborough, from Flushing, which is accompanied by a copy of a letter addressed to him by you, which appears to be in answer to one from the admiral, in which he asked whether the British government still adhered to the application of the twenty-four-hour rule to the departure of our vessels being found with them at the time of their arrival. Admiral Goldsborough asks whether, under the circumstances set forth in your letter, he is still to avoid the ports of England, and still decline to exchange courtesies and ceremonies with her naval and other authorities. To this inquiry this department has, under the instructions of the President, requested Mr. Welles to reply in the affirmative.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1512.] DEPARTMENT OF STATE,
Washington, August 14, 1865.

SIR: By a despatch of the 5th instant, received from the United States consulate at Havana, this department is informed that from the 28th to the 30th of July last a cargo of four hundred negroes from Africa was landed at La Cochinos, westward of Cienfuegos about fifty miles; that Mr. Bunch, the British consul general at Havana, did not seem to have any knowledge of this circumstance, but promised, however, to call the attention of the captain general to the fact.

You will be pleased to make this statement known to Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1514.] DEPARTMENT OF STATE,
Washington, August 16, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 27th ultimo, No. 1023, transmitting copies of depositions furnished to you by Mr. Morse, relating to the part the steamer City of Richmond took in supplying the Olinde with equipment and crew.

I am, sir, your obedient servant,

WILLIAM HUNTER,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1518.] DEPARTMENT OF STATE,
Washington, August 19, 1865.

SIR: I transmit herewith, for your information, a copy of a note which, on the 15th instant,* I addressed to Sir Frederick Bruce, in reply to one from him requesting, on behalf of her Majesty's government, to be informed of the views entertained by the government of the United States regarding a proposal made by the chargé d'affaires of Hayti to the British government for concurrence in guaranteeing the neutrality of the peninsula of Samana.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1520.] DEPARTMENT OF STATE,
Washington, August 22, 1865.

SIR: I enclose for your information a copy of a correspondence † which has taken place between her Majesty's legation and this department upon the subject of the withdrawal of the notice abrogating the agreement contained in the convention of 1817, limiting the naval armament on the lakes.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1523.] DEPARTMENT OF STATE,
Washington, August 24, 1865.

SIR: I have to acknowledge the receipt of your despatch, No. 1030, of the 10th of August.

Your remarks with reference to any political significance which may be attached to the presence of the Queen of Hawaii in England are satisfactory to the President.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1524.] DEPARTMENT OF STATE,
Washington, August 24, 1865.

SIR: Your despatch of the 10th instant, No. 1032, has been received, and is fully approved by this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

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* See correspondence with the British legation, current series.

† For enclosure see correspondence with British legation, current series.

Mr. Seward to Mr. Adams.

No. 1525.] DEPARTMENT OF STATE,
Washington, August 25, 1865.

SIR: Your despatch, No. 1031, of the 10th of August, relative to the depredations committed by the Sea King in the sea of Okhotsk, has been received. No representations and no further information upon the subject have been communicated to this department.

You are at liberty to exercise your own discretion as to the expediency of postponing action in the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Moran to Mr. Seward.

LEGATION OF THE UNITED STATES,
London, August 25, 1865.

SIR: For the information of the department I have the honor to transmit herewith a copy of the Morning Post of the 21st, containing a letter dated the 19th instant, from J. M. Mason, respecting the pirate Sea King, *alias* the Shenandoah.

I have the honor to be, sir, your obedient servant,

BENJAMIN MORAN,
Secretary of Legation.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Morning Post of August 21, 1865.]

To the editor of the Morning Post:

SIR: Late intelligence from the United States of the recent capture of American ships in the Pacific by the Confederate States ship Shenandoah in that sea leads me to address you this note.

As soon as it was known in Europe that the war in the United States was ended, by the final surrender of all the confederate forces in the field, immediate measures were taken by the proper authorities here to arrest the cruise of that ship by orders issued to her commander, directing that on their receipt he should immediately cease all hostilities and bring his ship to the nearest convenient port, to have her there forthwith disarmed and her crew discharged; and those orders were sent through channels most likely to insure their speedy and certain delivery to every point in those distant seas where the Shenandoah would necessarily touch, and with which she would be in communication. It is to be presumed, therefore, that her hostile cruise has long since ended.

In the condition of the confederate government at the termination of the war, the duty of doing this promptly was fully recognized by its representatives in Europe.

By giving this a place in your columns you will much oblige your very obedient servant,

J. M. MASON,
24 Upper Seymour street, Portman Square, August 19.

Mr. Seward to Mr. Adams.

No. 1526.] DEPARTMENT OF STATE,
Washington, August 26, 1865.

SIR: Your despatch No. 1025, of the 3d of August, together with a full report of the proceedings in the court of chancery in the case of the cotton claimed by

the United States, has been received, and your action in regard to the matter is approved by this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1527.] DEPARTMENT OF STATE,
Washington, August 26, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 10th of August, No. 1028.

Your proceeding in demanding of Earl Russell the restoration of the schooner St. Mary's, in accordance with instructions given in despatch No. 1481, of the 20th of July, is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1530.] DEPARTMENT OF STATE,
Washington, August 28, 1865.

SIR: I have to acknowledge the receipt of your very interesting despatch o the 20th of July last, No. 1015, respecting the favorable issue of the recent elections in Great Britain. We shall look with much interest to the proceedings of Parliament, and the tendency towards a policy just, if not friendly, to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1531.] DEPARTMENT OF STATE,
Washington, August 28, 1865.

SIR: Your despatch of the 20th of July last, No. 1016, together with its enclosures, relative to certain property in possession of the rebels in the port of Liverpool, and which is claimed by the United States, has been received.

The proceedings not improperly enlarged are now undergoing a careful examination in this department in connexion with the Treasury Department. The result will be made known to you as soon as practicable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1533.] DEPARTMENT OF STATE,
Washington, August 31, 1865.

SIR: The United States consul general at Calcutta has transmitted to this department a communication which was addressed to him by the chairman of a

special general meeting of the municipal corporation of that town, in which they reprobate with just severity the assassination of the lamented President Lincoln, and express a profound sympathy with the widow and children of the late Chief Magistrate, and with the American people.

If it shall be agreeable to Earl Russell, you will ask him to cause the municipality of Calcutta to be informed that a copy of their proceedings has been communicated to Mrs. Mary Lincoln, and that their generous sympathies with the United States are gratefully accepted by the President, in behalf of the people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1534.] DEPARTMENT OF STATE,
Washington, August, 31, 1865.

SIR: It is desirable that a decision in the case of insurgent's property in England, for which suit has been brought on behalf of this government, especially that of the cotton at Liverpool, should be postponed until the Hon. Caleb Cushing can reach that country, for which he will soon embark, for the purpose of attending to the public interests involved. You will consequently cause this wish to be made known to the United States counsel.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 1538.] DEPARTMENT OF STATE,
Washington, September 5, 1865.

SIR: * * * * I have to inform, you by direction of the President, that he will neither make promises nor grant either passports or permits for return to rebels now abroad; applications for pardons will be considered only when the persons making them are residing in the United States, and, in any case, there must be an unreserved, not a conditional appeal to the mercy and magnanimity of the government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Same, *mutatis mutandis*, to all our ministers abroad.]

Mr. Seward to Mr. Adams.

No. 1539.] DEPARTMENT OF STATE,
Washington, September 7, 1865.

SIR: The capture of numerous United States whaling vessels in the waters northwest of this hemisphere by the Shenandoah has naturally excited in this country generally, and particularly among the worthy persons more directly interested,

great dissatisfaction. The antecedents of the captor, her course from her departure from England, and particularly the aid and comfort extended to her at Melbourne, Australia, where prior to her recent career above adverted to she was last heard of, warrant us in regarding her as substantially a British vessel, for whose acts her Majesty's government may lawfully and justly be held accountable. You will, consequently, address a note to this effect to Earl Russell, if you should not already have done so pursuant to my general instructions. Mr. Dudley, the consul at Liverpool, who is familiar with the subject, will furnish you with any facts of which you may not be aware relative to her history, at least before she left England, and the accompanying copy of a despatch of the 23d of February last to this department, from the United States consul at Melbourne, furnishes full details in regard to the proceedings of the Shenandoah at that place.

I am, sir, your obedient servant,

WILLIAM H SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Blanchard to Mr. Seward.

No. 4.] CONSULATE OF THE UNITED STATES OF AMERICA

Melbourne, February 23, 1865.

SIR: It is my painful duty to inform you that an armed steamship, flying the flag of the so-styled Confederate States, now called Shenandoah, but in reality the British vessel Sea King, entered this port on the 25th January, 1865, at about eight o'clock p. m., and that said vessel was allowed to repair, to go upon a dry dock, to coal, and that she was allowed to depart at about 7 a. m. on the 18th of February, 1865, notwithstanding my continued protests.

* * * * * * * * * * *

On the 25th of January the telegraph announced that a steamship, supposed to be the Royal Standard, from Liverpool, fifty-two days out, was in sight. Late in the evening rumors were in circulation to the effect that the vessel seen was a confederate war-ship, called the Shenandoah.

On the morning of the 26th I learned from the papers that the confederate ship Shenandoah had anchored in the port about dark the day before.

On coming to the consulate on the morning of the 26th of January, 1865, I found there the following named persons, all of the late American bark Delphine, burnt at sea on the 29th of December, 1864, and all claiming to be prisoners of war to the confederate steamship Shenandoah, and on parole not to communicate anything to the detriment of the confederate cause or that would lead to the capture of said ship, viz: William Green Nichols, master; E. T. Jones, first mate; E. P. Nichols, second mate; E. T. Lingo, steward; William Scott, carpenter; Charles Henning, Frederick Lindborg, and William Edstrom, seamen.

Being anxious to get a description of the vessel and her armament to send off in the mail, just then closing, I used every endeavor to procure it from the above persons, and at near one o'clock succeeded in getting enough information to enable me to send such description of said vessel to Mr. Adams, and also to our consul at Hong Kong, with a view of having a cruiser put on her track as soon as possible, which despatches I sent on board the mail steamer then in the bay, the mail having closed at Melbourne, a copy of which is herewith enclosed, (No. 1.)

While I was taking Captain Nichols's testimony, which is enclosed, (No. 2,) I received a despatch from the commissioner of trade and customs at 3.30 p. m., informing me that an application had been made to land certain prisoners from the confederate steamer Shenandoah, and wanting to know, for the information of the governor, whether I, as consul for the United States, would take care of and provide for them if landed. A copy of the despatch is herewith enclosed, (No. 3.)

The November mail from Europe, which arrived here about the middle of January, brought the news that the Sea King had left England with the intention of being converted into a war-vessel to cruise against our commerce. As soon as I had reason to believe that the Shenandoah and Sea King were one and the same ship, and that she had not entered any port since leaving England, I took the position towards the authorities here that she was not entitled to the rights of a belligerent as contemplated in her Majesty's neutrality proclamation, and that she could not change her nationality at sea. I therefore, in answer to the despatch of the commissioner of trade and customs, sent an answer direct to Sir Charles Darling, the governor, then at the government house, Toorak, about five miles off, a copy of which (No. 4) is herewith enclosed, and which was delivered and receipted for at 6.45 p. m. the same day.

)n the 27th of January I continued the examination of the men from the Delphine, eral of whom told me that all the captured men who had been induced to join said vessel l done so either after imprisonment and punishment, or to avoid it through threats, and t they believed they would all leave if I would protect them from arrest. I informed the a that I would protect all persons that had shipped under such circumstances from cap- ed American vessels, and directed said men, if any such were seen ashore by them, to in- n them of my determination, and direct them to me or come with them. I did this with view of liberating the men, of reducing her crew, which was mostly made up of such ressed men, and of obtaining information that the men I then had would not give on ac- nt of their parole.

also sent to the governor an argumentative despatch, again protesting against said Sea ng, (Shenandoah,) and maintaining that said vessel was in violation of her Majesty's clamation, a copy of which is herewith enclosed, (No. 5.)

)n the 28th I received a despatch from C. J. Tyler, for private secretary, informing me t my despatches of the 26th and 27th of January had been referred by the governor to legal advisers, and that his excellency the governor would acquaint me with his decision er he had received the advice of the attorney general, a copy of which is herewith enclosed,). 6.)

After receiving the above, I forwarded to the governor a despatch of same date, stating t evidence was daily accumulating in my office in support of the several protests I had t him, and calling his attention to special reasons why said vessel should not receive the atment of a belligerent, and protesting against the aid and comfort and refuge now being ended to said vessel, a copy of which is herewith enclosed, (No. 7.)

Being under the impression that the governor of New South Wales was still governor gen- l of all the Australian colonies, I sent to Mr. Leavenworth, our consul at Sydney, a de- tch, a copy of which (No. 8) is herewith enclosed, enclosing therein copies of the corre- ndence with the authorities here, and urging him, if my impressions in regard to the ernor generalship were correct, to lodge protests in support of mine with the governor eral there. I find I was mistaken; the governors are independent of each other.

)n the 30th of January I received a despatch dated Private Secretary's Office, January 30, orming me that his excellency the governor had received my communications of the 26th, h, and 28th of January, and advised with the Crown law officers thereon, and that "his ellency the governor has come to the decision that, whatever may be the previous history the Shenandoah, the government of this colony is bound to treat her as a ship-of-war be- ging to a belligerent power," a copy of which is herewith enclosed, (No. 9.)

immediately entered a protest in the name of the United States against the decision of government of Victoria, a copy of which is herewith enclosed, (No. 10.)

After receiving this decision of the governor, thus closing all arguments and hopes as to vessel being stopped in her career by the governor, I consulted with several American rchants here, and decided to try to indict her in the admiralty court. With this view I ployed Messrs. Duffett, Grant & Woolcott, solicitors, who became acquainted with sundry davits and witnesses at my command.

)n the 1st of February a debate arose in the colonial legislature respecting the Sea King, enandoah,) in which the chief secretary seemed to think there was no proof of said vessel ng the Sea King. My solicitors considered there was abundant evidence, and that it uld be laid before the Crown law officers, which I authorized them to do. I therefore ac- npanied Mr. Duffett, of the said firm, to the Crown law officers, where he left the affi- its of Messrs. L. L. Nichols, (No. 11,) William Bruce, (No. 12,) and John H. Colby,). 13.) The minister of justice and the attorney general were absent, and the above davits were left with the chief clerk, Mr. Chomley.

)n the 3d of February Mr. Duffett, of the above firm, wrote to the attorney general as per losure No. 14.

)n the 4th of February I was informed, as per enclosures Nos. 15 and 16, that on Monday, ruary 6, the law officers would be glad to see me in relation to said vessel. At the ap- nted time, in company with Mr. Duffett, and supported by Mr. J. B. Swasey, a loyal erican merchant of this city, I repaired to the offices named, where the case of the Sea ng (Shenandoah) was discussed with the minister of justice and the attorney general. ring the interview I requested Mr. Duffett to read the affidavit of George Silvester, late a man on the Laurel, and fireman on the Sea King, (Shenandoah,) (No. 17,) and Mr. ffett left with the attorney general the affidavits of Edward S. Jones, (No. 18,) James d, (No. 19,) George R. Brackett, (No. 20,) Charles Bolin, (No. 21,) John Sandall, (No.) William Scott, (No. 23,) Frederick Lindborg, (No. 24,) and he withdrew the declara- of Mr. L. L. Nichols, (No. 11,) left on the 2d of February, and substituted for it an davit of the same person, (No. 25.) After much discussion, both these gentlemen seemed admit that the Sea King (Shenandoah) would be liable to seizure and condemnation if nd in British waters; but would not admit that she was liable to seizure here, unless she lated the neutrality proclamation while in this port, and if she did they would take im- diate action against her.

'inding that I could not proceed in the admiralty court, I continued to take what evidence uld get and forward it to the governor; and on the 9th of February I addressed to him a

despatch, in which I sent a list of the affidavits left at the Crown law offices, a copy o which (No. 26) is herewith enclosed.

On the 10th of February, 1865, I sent to the governor a despatch enclosing the affidavit of John Williams, showing that persons were concealed on board said vessel, and others on duty on board, and wearing the uniform, which persons had come on said vessel in this port, a copy of which is herewith enclosed, (No. 27.)

On the 11th of February I received a despatch from the Crown law officers, informing me that said John Williams *may* attend on Monday, the 13th, at the Crown solicitor's office, a copy of which is herewith enclosed, (No. 28.)

On Monday, the 13th, I induced Mr. Samuel P. Lord, a loyal American merchant here, to accompany said John Williams and Walter J. Madden, who had given like testimony before me, to the Crown solicitor, to see that the testimony of said persons were properly taken. Just after his departure from the consulate with the above-named witnesses, two other sailors, named F. C. Behucke and Hermann Wicke, who said they left the Shenandoah only the day before, came to the consulate and gave substantially the same evidence. I immediately sent them with my clerk, Mr. Gage, to the Crown solicitor's office to support the charge of those already there. I then sent the governor a despatch, enclosing the testimony of John Williams, (No. 29,) Walter J. Madden, (No. 30,) and Thomas Jackson, (No. 31,) a seaman on board the Laurel, and fireman on board the Sea King, (Shenandoah,) in support of my protests, a copy of which is herewith enclosed, (No. 32.)

At about 5 o'clock p. m. on the 13th an officer of the police, accompanied by a clerk from the Crown law offices, came to this consulate to obtain a witness to go on board said Shenandoah to identify the persons who had shipped in this port on board said vessel. I declined to let any of them go on board said vessel unless he would return them to this consulate, as I apprehended they might be seized as deserters, informing him that they were all impressed from American vessels. He gave me such a promise, and selected Walter J. Madden, who left this consulate in his charge.

On the 14th I received a despatch from the governor's private secretary, informing me that my despatches of the 10th and 13th were received, and had engaged and continued to engage the earnest attention of the colonial government, a copy of which despatch is herewith enclosed, (No. 33.)

On the same day I sent a despatch to the governor, (No. 34,) enclosing the affidavits of F. C. Behucke, (No. 36,) and Hermann Wicke, (No. 35,) these being the two men I had sent the day before to the Crown solicitor, and whose affidavits I took after their return.

On the 14th of February Walter J. Madden returned, and informed me that the police were not allowed to search the ship the day before, and that two policemen went on board this morning and returned without making any arrests, and that he was dismissed for the present. He also informed me that the Shenandoah was then on the patent slip undergoing repairs.

On the evening of the 14th the town was full of rumors about the seizure of said vessel. About 5 o'clock I proceeded to Sandridge to ascertain if said seizure was made. Sandridge is opposite Williamstown, where the said vessel was, and in direct communication by a steam ferry-boat, and distant about three miles. While at Sandridge I was informed by a master of an English ship, who was boarded by the Shenandoah previous to her arrival here, and whose name I do not remember, that he was on board the Shenandoah an hour previous, drinking with the wardroom officers, when Captain Waddell came in with a printed paper in his hand and informed them that the ship had been seized; that he left, coming through the police then around said vessel, by giving his name and occupation.

On the morning of the 15th of February it was reported in the papers that the Shenandoah had been seized by the authorities; that four persons endeavoring to escape from said vessel were arrested; amongst them was one "Charley," who had been named by all the witnesses as being on board and wearing the uniform of said vessel.

With a view of getting the governor to reconsider his decision as alluded to above, (No. 9,) and in answer to the arguments used by the Crown law officers at the interview I had with them before referred to, I forwarded to his excellency a despatch, a copy of which is herewith enclosed, (No. 37.)

I received the same day a notice from the police department informing me of the arrest of four men, and desiring the attendance of some person to identify them, a copy of which is enclosed, (No. 38.)

I sent the four men who had given the information to identify the arrested men, who returned the same day, stating that "Charley" was among them, and that the others were also some of the persons referred to in their affidavits as being on board, and that their names were remembered when seen. These men also informed me that the prisoners were remanded, and that they were to appear the next day against them at the Williamstown police court. A few hours after I heard that the ship was released.

In the evening, during the session of Parliament, the chief secretary announced that the government had issued no warrant, and that there had been no search; "that a warrant had been only issued for the arrest of one of their subjects, and that, being satisfied, they ought not to proceed to extremities in this matter." Permission was then given to the workmen launch the ship, which had been forbidden.

he 16th of February I had the men to attend at the police court in Williamstown, as
d, as witnesses. Two of the prisoners were committed, one released on the ground
was not a British subject, and the other remanded till next day.
le crossing the bay to the trial at Williamstown on the 16th, I saw the Shenandoah
in coal from a ship alongside, and Mr. McFarlane, emigration officer, a fellow-pas-
, informed me that she was taking in two hundred tons of Scotch coal, in addition to
ount she brought here.
he 17th of February I forwarded to the governor a despatch calling his attention to
t that the Shenandoah was a full-rigged sailing vessel, steam being only auxiliary,
the amount of coal she had upon her arrival here, and the quantity I learned she was
on board in this port, a copy of which (No. 39) is herewith enclosed.
same day I learned that the remanded prisoner was also committed, and the four men
s witnesses, to appear at the March term of the court.
the 17th I forwarded a despatch to the governor, calling his attention to the affidavits
fore forwarded him, showing that some ten to twenty persons had been shipped no
said vessel while in this harbor; also notifying him that I had forwarded to the at-
general the solemn declaration of Michael Cashmore, (No. 40,) a highly respectable
, to the same purport, and that I had also left with the attorney general a solemn
ation of J. B. Sydserff, (No. 41,) in relation to the sale of "prize" chronometers in
rt by the officers of said vessel, and protesting against the vessel being allowed to
this port with said persons on board, a copy of which (No. 42) is herewith enclosed.
the evening of the 17th of February Andrew Forbes came to the consulate with the
ation that several persons were then on the wharf ready to go on board a vessel to join
a King (Shenandoah) beyond the jurisdiction of this port; that one of said persons,
l James Evans, had told him. Deeming the information important, and that no time
o be lost, I, in company with Mr. S. P. Lord, who was then in the consulate, took
orbes with us to the Crown law offices to lodge the information, and was met by the
solicitor coming out. Upon my application to take the information, he, in an offen-
nanner, positively declined, saying he wanted his dinner; that there were plenty of
trates in town; that it was none of his business. He informed me that the attorney
al and minister of justice were in Parliament, then in session. I then proceeded to the
ive police office, and there was informed that if the affidavit of the man was taken be-
county magistrate they would execute his warrant. I then went to Parliament House
alled out Mr. Higginbotham, the attorney general, who said that if I would go to Mr.
he would take the affidavit. I then went with the witness to Mr. Sturt, more than a
off, who declined to take it, and who said the water police were the proper authorities to
The water police are at Williamstown, across the bay, and about four miles from Mr.
s. I then took the testimony, which is No. 43, at my office, and despatched it by Mr.
to the attorney general, and started with the witness to Williamstown. When the
ss found he had to go among his acquaintances he was afraid of bodily harm, and re-
to proceed.
ring the night several persons endeavored to find me to give information of the ship-
of men for said vessel. One Robbins, a master stevedore, found me at 11 o'clock p.
d informed me that boat-loads of men with their luggage were leaving the wharf at
ridge and going directly on board said vessel, and that the ordinary police boats were
be seen on the bay. I informed said Robbins that Mr. Sturt, police magistrate, told
e water police were the proper persons to lodge any information with, and that he, as
d subject, was bound to inform them of any violation of law that came under his
, which he promised to do.
the morning of the 18th of February, at about 7 o'clock a. m., the said Shenandoah
er anchorage and proceeded to sea unmolested.
rwarded to the governor the affidavit of said Forbes, (No. 43,) enclosed in a despatch,
y of which is annexed, (No. 44.)
this day I received a reply from the private secretary, dated the 17th of February, re-
to the supply of coal, a copy of which (No. 45) is herewith enclosed.
earned that the Shenandoah was inquiring for a pilot acquainted with the Australian
s, and I despatched to the vice-consul at Hobart Town information to that effect, a copy
ich is herewith enclosed, (No. 46.)
the 18th of February the aforementioned Mr. Robbins called at the consulate and in
d me that six boat-loads of men left the wharves with their luggage during the previous
, and that they were taken on board said vessel through the propeller hoist-hole. When
l to give his affidavit, he said as the officials would take no notice of it he would only
e his business by so doing, and he declined. He stated that about seventy men went
ard said vessel on the night of the 17th of February, and that some of them took and
his boat to go in.
ptain Sears, of the American bark Mustang, was on the wharf watching, who informs
hat he saw several boat-loads of men with luggage go to said vessel while lying in the
and that he also saw said Robbins go to the police.
the 20th I received a despatch from the private secretary of the governor, dated same

day, in answer to my despatch of the 15th of February, a copy of which (No. 47) is herewith enclosed.

On the 20th I requested, in writing, Mr. S. P. Lord to give me an account of my interview with the Crown solicitor, referred to above. I enclose herewith a copy of said request, (No. 48,) as well as his answer thereto, (No. 49.)

On the 22d I received a despatch from the private secretary's office, dated the 21st of February, in reply to my complaint of the 18th of February, alluded to above, a copy of which is herewith enclosed, (No. 50.)

In recapitulating the above, I leave the documents to speak for themselves, convinced that they will meet with the interpretation they deserve.

It will be for you to consider whether the Sea King (Shenandoah) was hastily and illegally recognized as a war vessel of a belligerent power, (coming as she did, armed, from one British port to another, with the marks of her identity still upon her,) and allowed to depart again to renew her depredations on the commerce of a power friendly to Great Britain. It will be for you to consider whether the shipment of arms and ammunition in Liverpool on board the Laurel to be put on board the Sea King on the high seas, as borne out by the affidavits of Silvester and Jackson, is in accordance with international law and treaty obligations, and her Majesty's neutrality proclamation.

The department will not fail to perceive that with the sworn testimony of four persons before the authorities here, to the effect that some ten to twenty persons were shipped in this harbor on board said vessel, and were rationed from her stores, and a part of them, at least, on duty on board in uniform, said vessel was nevertheless allowed to depart.

The attention of the department is especially called to the interview alluded to above, at page 9, with the Crown law officers, to the effect, that if the said ship was found violating the neutrality proclamation in this port, they would take immediate action against her.

A despatch from the Crown law officers above referred to, and No. 28, alludes to supporting a charge against certain persons and officers of the Shenandoah. The police examinations took place as stated, on the 16th and 17th February instant, at which three men were committed for trial; and yet, at the very time these commitments were being made, the officers who thus violated the neutrality of this port were on board the ship within a mile of the said court unmolested, and the ship was allowed to take in the additional quantity of coal mentioned hereinbefore. A printed report of the investigations of the persons referred to, cut from the Melbourne Argus, is herewith enclosed, (No. 51.)

These commitments do not seem to have stimulated the authorities to any vigilance in regard to the said ship, otherwise boat-loads of men could not have joined her on the night of the 17th–18th instant, as stated above, and confirmed by the extracts taken from the three Melbourne daily papers of the 20th instant, herewith enclosed, and numbered 52.

What motives may have prompted the authorities, with evidence in their possession as to the shipment of large numbers of persons on board said vessel, substantiated by the capture and commitment of some escaping from said ship, to allow the said vessel to continue to enjoy the privileges of neutrality in coaling, provisioning, and departing, with the affidavits and information lodged and not fully satisfied, I am at a loss to conceive. Was it not shown and proved that the neutrality was violated? And yet she was allowed her own way unmolested, thus enabling her to renew her violations of neutrality on a larger scale.

There are eyes that do not see and ears that do not hear, and I fear that this port is endowed with such a portion of them as may be required to suit the occasion; for in what other way can my unsuccessful attempts to obtain the assistance of the authorities on the evening of the 17th instant be explained?

The immunities I enjoyed on this occasion, as United States consul, were of a peculiar nature. Instead of being assisted by the authorities, I was only baffled, and taught how certain proceedings could not be instituted.

I send by this mail a file of the Melbourne Argus, Age, and Herald, the three daily papers of this city, during the time of the stay of the Shenandoah in this port, a careful examination of which will be necessary to obtain a complete view of what transpired in this place in relation to said ship and her officers. I also send the Melbourne pictorial papers, giving a picture of said vessel and some of the scenes on board of her.

I herewith enclose, in No. 53, extracts cut from said papers in support of some of my statements, which I deem essential to be read in connexion with this despatch, for fear the papers sent by mail may not arrive in time, among which will be found the correspondence between the officials here and the officers of said vessel.

I also forwarded to the governor of the colony affidavits of Edward P. Nichols, second mate of late bark Delphine, (No. 54,) of E. T. Lingo, steward on board late bark Delphine, (No. 55,) and of Mary Lingo, (No. 56,) stewardess on late bark Delphine.

I close by informing the department that James Francis Maguire, late United States consul here, as far as I could see and learn, acted as counsel for the vessel and her officers.

I have the honor to be, sir, your obedient servant,

WM. BLANCHARD,
United States Consul at Melbourne.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure No. 1.]

MELBOURNE, *January* 26, 1865.

The mail to Europe being about to leave, I hasten to inform you that a confederate named Shenandoah has made her appearance in this port this morning. I beg to extracts of papers.

prisoners on board who are now being liberated, and now in the consulate, give the g details respecting her:

'as the original Sea King; sailed from London on the 8th October, 1864, and received tion from a ship named Laurel, at sea. Part of the name Sea King is still visible, and btain of these particular letters a photograph. She is represented to have been built ow, and water-buckets, spoons, forks, &c., are marked Sea King; she is a wooden th iron frame, but not plated. Her armament is eight guns, viz: four 8-inch shell o on each side, unrifled; weight of guns about 2 tons 15 cwt.; guns bear numbers 11,523, 14,524, 11,525; these guns are not breech-loaders. Two rifled guns, about ore, one on each side. Two ordinary 12-pounders, the original ship's guns.

as the appearance of an ordinary merchant ship, with long, full poop, a large bright ouse, oval sky-lights on the poop; she has one telescope funnel; the mizen-topmast gallant staysail both hoist from the mainmast head; she is wire-rigged.

fficers on board declare that it would not be safe to fire a broadside. It is the general ion that she is not a formidable vessel. She is leaky, and requires two hours' pumping he crew consist of seventy-nine, all told.

have the honor to be, sir, your obedient servant,

WM. BLANCHARD, *United States Consul.*

CHARLES F. ADAMS, *United States Minister, London.*

y of the above also sent to United States consul at Hong Kong.)

[Enclosure No. 2.]

PROTEST.

undersigned, William Green Nichols, of Searsport, United States, formerly Captain Delphine, of Bangor, Maine, United States, do hereby solemnly declare on oath, d bark was of 705 tons register; that on the 12th October, 1864, she sailed from nd, England, under my command, with a crew of fifteen and two passengers, (wife ld;) that said bark was bound for Akyab with cargo of machinery, and that until cember, 1864, nothing unusual occurred; that on said 29th December last, latitude 9° 20′, longitude east 69°, I was fallen in with by a ship showing English colors for alf an hour while approaching; I showed American colors in reply. The ship, on hing, proved to be a steamer, with a telescope funnel, under sail: she fired a blank on which I immediately hove to, she hoisting the confederate flag after firing the hat immediately after the gun was fired the confederate flag was hoisted on said steamer, my ship, Delphine, being boarded, I was taken, with my mate and ship's papers, on aid steamer called Shenandoah; that on examining said papers the captain of the d steamer, James J. Waddell, declared the ship under my command as a prize; to me permission to remove the wardrobe of self and family, (consisting of wife and but allowed me to take nothing else; that the crew were allowed the same privileges e exception of their bed; that I, my wife and child, as well as mate, were taken on aid steamer as prisoners, but paroled; whereas such part of crew as would not join amer were put in irons; that above-named ship Delphine was then ransacked and ire by crew of said steamer; that I declared to the captain of said steamer the value hip Delphine as being about £3,500, (three thousand five hundred pounds sterling;) tfits, loss of freight and wages, which amount to about £3,000, (three thousand pounds,) t included in above amount: that immediately on being taken on board I was paroled, 23d instant a new parole was demanded from me, in order to enable me to be released hing land; that to-day, the 26th January, 1865, I was released in Hobson's bay parole, which enjoins upon me not to give any information which might tend to the of the said steamer, or to the detriment of the so-called confederate cause; that, not for f loyalty towards the United States, but in consequence of wishing not to violate said I decline divulging anything as to her armament, &c.; that the knives, forks, spoons, the use of the said steamer bore the mark Sea King, and I heard the captain say that s formerly the Sea King; that he with officers took charge of her at Madeira, or the Deserta, and sailed with an original crew of (17) seventeen men.

WM. G. NICHOLS,

Late Master of Bark Delphine, of Bangor.

BOURNE, *January* 26, 1865.

cribed and sworn to before me this twenty-sixth day of January, 1865.

WM. BLANCHARD, *Consul.*

When making the statement as to the value of the ship, I thought that, on account of having British property on board, he might bond the ship and let her go, and I wished to have the bond as small as possible, not that I consider the amount above mentioned the value of the ship; neither did I include my private property on board, nor the property of the officers and crew.

FEBRUARY 10, 1865.

WM. G. NICHOLS,
Late Master of Bark Delphine.

WM. BLANCHARD,
United States Consul.

[Enclosure No. 3.]

CUSTOM-HOUSE, MELBOURNE, *January* 26, 1865.

SIR: I am desired by his excellency the governor to inform you that an application has been made to land certain prisoners from the confederate steamer Shenandoah now in this port, and I am to request that you will be good enough to inform me, for the information of Sir Charles Darling, whether you are willing to undertake to receive and provide for, on behalf of the government which you represent, the prisoners above referred to.

I am to request the favor of an early reply to this communication.

I have the honor to be, sir, your obedient servant,

JAS. G. FRANCIS,
Commissioner of Trade and Customs.

WM. BLANCHARD, Esq.,
Consul for the United States of America.

(Received and receipted for at 3.30 p. m., January 26, 1865.)

[Enclosure No. 4.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 26, 1865.

SIR: I have the honor to acknowledge the receipt of a despatch from the honorable the commissioner of trade and customs, dated to-day, (D. 63, 59,) and in reply beg leave to acquaint your excellency that, previous to its reaching me, at half past three o'clock p. m., I had made provision for the master, crew, and passengers, already landed, of the United States bark Delphine, (the persons presumed to be referred to in said despatch,) burnt at sea by a piratical vessel called the Shenandoah, ex-Sea King.

I avail myself of this opportunity to call upon your excellency to cause the said Shenandoah, *alias* Sea King, to be seized for piratical acts, she not coming within her Majesty's neutrality proclamation—never having entered a port of the so-styled Confederate States of America for the purposes of naturalization, and consequently not entitled to belligerent rights.

The table service, plate, &c., on board said vessel bear the mark Sea King, and the captain should bring evidence to entitle him to belligerent rights.

I therefore protest against any aid or comfort being extended to said piratical vessel in any of the ports of this colony.

I have the honor to be, your excellency's most obedient servant,

WM. BLANCHARD,
Consul for the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of Colony of Victoria.

(Delivered and receipted for at 6.45 p. m., January 26, 1865, at Toorak, governor's residence.)

[Enclosure No. 5.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 27, 1865.

SIR: The undersigned, consul of the United States of America at the port of Melbourne, begs, most respectfully, to call the attention of your excellency to the armed cruiser (referred to in his note of yesterday) now at anchor in Hobson's bay, and reported to be a vessel of the so-styled Confederate States of America.

It must be evident to your excellency that, notoriously, all the presumptions of fact and law are against the probabilities of the legal character of the vessel in question, and it is not necessary for the undersigned to more than suggest to your excellency the ease with which any lawless rover of the seas may assume any character designed to effect his purposes.

When, in this case, the actual circumstances are duly considered, having reference, on the

one hand, to the present condition of the so-styled Confederate States of America, and on the other to the frequent violations in her Majesty's ports of the laws of neutrality, especially of the well-known facts proclaimed respecting this very vessel before her arrival, there would scarcely seem to remain a doubt as to her real character here, for the first time appearing in her new pretended nationality, coming from nowhere, bringing in no prizes, destroying, without adjudication and without necessity, all property seized, regardless of ownership; leaving, inhumanly and against the law of nations, large numbers of captives upon a desert island; having in all parts of her, and in the remains of half-erased letters, numberless *indicia* of her genuine nationality. The undersigned will not doubt, that not only in the interest of justice and the safety of universal commerce on the seas, but also in vindication of the honor and dignity of her Majesty's government, too long contemptuously disregarded by those who, seeking asylum under it, only abuse an honorable hospitality to violate its laws and insult its sovereignty, your excellency will give so much weight, and no more, to a bit of bunting and a shred of gold lace, as they deserve. That your excellency will well assure yourself that those presumptuously lawless men, audaciously entering this port upon pretences of necessity, always so easily made, but really that information may be got and new enterprises hence successfully executed, be really what they claim, and truly entitled to the immunities secured to belligerents; that the commissions, if any, exhibited, be genuine; the bearers thereof the persons authorized to bear them; their documents, if any, showing the character of the vessel worthy of credence, and the acts committed such as ought to receive the favorable countenance of a great and magnanimous power; in fine, whether the crew and vessel are lawfully entitled to the privileges accorded, under the laws and by virtue of her Majesty's proclamation, to a real belligerent; or whether, on the contrary, the crew be not amenable to punishment and the vessel to seizure.

And never doubting the anxious desire of your excellency to maintain a strict neutrality, the undersigned feels assured that he will not be misunderstood nor his conduct be deemed too officious when the peculiar facts of this present case are duly considered. Now, for the first time, action by this government in the nature of a precedent is to be established respecting the status to be accorded to a vessel, here first appearing and claiming a warlike character, suddenly, without notice, under circumstances of the gravest suspicion. The undersigned will be pardoned if the gravity of the case, in his opinion, makes him feel it to be his duty to urge upon your excellency the greatest caution; that not upon mere assertion of so-called officers, but after the severest scrutiny, it should be determined if this vessel and crew are entitled to the rights of belligerency, or whether the vessel should not be detained until the facts can be duly investigated.

Wherefore, the undersigned, relying upon the vigilance of your excellency, in a case of so much and so pressing importance, protests against the said vessel called the Shenandoah, *alias* Sea King, her so-styled officers and crew; that from evidence already taken by him, as well as from facts patent, and notorious to all, the legal presumptions are, in this case, against any just claim to the rights of a belligerent; and that in the interests of justice, commerce, the comity of nations, and impartial observance of her Majesty's proclamation of neutrality and of imperial law, this important right, here now, under new and peculiar circumstances, in the case of this vessel first sought to be established, be most rigidly examined, lest, under flimsy pretences of necessity, the ports and coasts of her Majesty's dominions be unguardedly thrown open to afford lawless and unauthorized marauders cover and bases for new and piratical enterprises against the citizens of a friendly power, their lives and property; and not only so, enterprises fraught with danger to the interests of her Majesty's subjects, and in direct encouragement of the most audacious violations of the laws of humanity and of nations; lest, finally, new claims and additional and serious complications unfortunately arise between her Majesty's government and the government of the United States.

I have the honor to be, your excellency's most obedient servant,

WM. BLANCHARD,
Consul for the United States of America.

His Excellency SIR CHARLES DARLING, K. C. B., &c.,
Governor of the Colony of Victoria.

[Enclosure No. 6.]

TOORAK, *January* 28, 1865.

SIR: I am directed by his excellency the governor to acquaint you that your letter of the 27th instant was immediately referred by his excellency for the consideration and opinion of the legal advisers of his government, and that the same course has been pursued with your letter of yesterday's date, protesting against the claim to the rights of a belligerent of the vessel now lying in Hobson's bay, called the Shenandoah. His excellency will not fail to acquaint you with his decision after he shall have received the advice of the attorney general.

I have the honor to be, sir, your most obedient servant,

C. J. TYLER,
A. D. C. for Private Secretary.

The CONSUL *for the United States of America.*

[Enclosure No. 7.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 28, 1865.

SIR: I am in receipt of a communication from C. J. Tyler, esq., your excellency's aide-de-camp, dated to-day, informing me that your excellency has submitted my despatches of the 26th and 27th January, instant, to the consideration of your legal advisers, and that your excellency's decision, when made, will be forwarded to me.

Evidence being daily accumulating in this office in support of the reasons for the protests I had the honor to forward to your excellency, I now beg leave to call your attention specially to the following:

1. That the Sea King, alias Shenandoah, now in this port and assuming to be a war vessel, is a British-built ship, and cleared from a British port as a merchantman, legally entering no port until her arrival here, where she assumes to be a war vessel of the so-styled Confederate States; that any transfer of said vessel at sea is in violation of the law of nations, and does not change her nationality.

2. That inasmuch as her Majesty's neutrality proclamation prohibits her subjects from supplying or furnishing any war material or ship to either belligerent, this vessel, having an origin as above, is not entitled to the privileges accorded to the belligerents by said proclamation.

3. That being a British-built merchant ship, she cannot be converted into a war vessel upon the high seas, of the so-styled Confederate States, but only by proceeding to and sailing in such character from one of the ports of the so-styled confederacy.

4. That it is an established law that vessels are to be considered as under the flag of the nation where built until legally transferred to another flag.

5. That said vessel sailed as an English merchant ship from an English port, and cannot, until legally transferred, be considered a man-of-war.

6. That, not being legally a man-of-war, she is but a lawless pirate, dishonoring the flag under which her status is to be established and under which she decoys her victims.

7. That her armament came also from Great Britain, in English vessels, (the Laurel and Sea King, now Shenandoah,) both of which cleared under British seal, or, if without it, in violation of established law.

8. That, as such, she has committed great depredations upon ships belonging to citizens of the United States, making her liable to seizure and detention and the crew guilty of piracy.

I cannot close this without further protesting, in behalf of my government, against the aid and comfort and refuge now being extended to the so-styled confederate cruiser Shenandoah in this port.

I have the honor to be your excellency's most obedient servant,

WM. BLANCHARD,
United States Consul.

His Excellency SIR CHARLES DARLING,
K. C. B., &c., &c., Governor of Victoria.

[Enclosure No. 8.]

UNITED STATES CONSULATE,
Melbourne, January 28, 1865.

DEAR COLLEAGUE: You have been acquainted, by telegraph, of the appearance of a ship (screw steamer) assuming the name Shenandoah, and claiming the rights of belligerency from Victorian authorities.

I have forwarded to the governor, Sir Charles Darling, two despatches respecting it, and I beg to enclose copies of documents that have been exchanged between the authorities here and the consulate, viz:

1. Despatch of commissioner of trade and customs respecting prisoners to be provided for.
2. Reply to the above and protest against granting any rights of belligerency.
3. Despatch argumentative aiming to prove that belligerent rights cannot be accorded.
4. Acknowledgment of receipt of above despatches 2 and 3, showing that protests are under consideration.

Her Majesty's government being represented in Sydney by a governor who is at the same time governor general of all Australian colonies and commander of all Australian waters, thus overruling all other governors of her Majesty's government in these dominions, I respectfully suggest to you the propriety and necessity of lodging a solemn protest in support of my protests here, showing such reasons as you deem expedient to induce his excellency to issue orders in all colonies to seize said vessel as a pirate, and in no way to grant to her belligerent rights.

In stating that your governor is governor general, I have no authority just now at hand (being in haste and mail closing) to see that I am really correct, and it is therefore for you to decide whether my intentions can be carried out.

You are thus acquainted with all the facts relating to this piratical craft and to the grounds I have taken against her, and I rely upon your hearty and vigorous co-operation.

I have the honor to be, dear sir and colleague, yours, respectfully,

WM. BLANCHARD,
United States Consul, Melbourne.

E. LEAVENWORTH, Esq.,
United States Consul, Sydney.

[Enclosure No. 9.]

PRIVATE SECRETARY'S OFFICE,
Melbourne, January 30, 1865.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of the 28th instant, and to acquaint you that, having fully considered the representations contained in that communication and in your previous letters of the 26th and 27th instant, and advised with the Crown law officers thereon, his excellency has come to the decision that, whatever may be the previous history of the Shenandoah, the government of this colony is bound to treat her as a ship-of-war belonging to a belligerent power.

I have the honor to be, sir, your most obedient, humble servant,

C. J. TYLER, *for Private Secretary.*

[Enclosure No. 10.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 30, 1865.

SIR: I have the honor to acknowledge the receipt of a despatch, signed "C. J. Tylor, for the private secretary," dated "Private Secretary's Office, January 30, 1865," informing me that after full consideration of my several despatches, dated, respectively, the 26th, 27th, and 28th instant, and after advice of the Crown law officers, your excellency has come to the decision that, whatever may be the previous history of the Shenandoah, the government of this colony is bound to treat her as a ship-of-war belonging to a belligerent power.

As consul of and on behalf and by authority of the United States of America, I hereby solemnly protest against the decision of the government of Victoria, as communicated to me in the above-mentioned despatch. And I further protest, as consul aforesaid, against the government of Victoria allowing the said piratical craft Shenandoah, *alias* Sea King, to depart from this port, thus enabling her to renew her depredations upon shipping belonging to the citizens of the United States of America. And I hereby notify your excellency that the United States government will claim indemnity for the damages already done to its shipping by said vessel, and also which may hereafter be committed by said vessel Shenandoah, *alias* Sea King, upon the shipping of the United States of America, if allowed to depart from this port; that the said vessel is nothing more than a pirate, which the nation whose vessels she robs and destroys has a right to pursue, capture, or destroy in any port or harbor in the world.

I have the honor to be, sir, your most obedient servant,

WM. BLANCHARD,
Consul of the United States of America

His Excellency SIR CHARLES DARLING,
K. C. B., &c., Governor of Victoria.

[Enclosure No. 11.]

Testimony of Lillias L. Nichols.

I, the undersigned, Lillias L. Nichols, wife of William Green Nichols, late master of the bark Delphine, on board of which I was a passenger, do solemnly declare:

I was taken prisoner, together with my husband, and conveyed on board the Shenandoah, and have been kept on board until the vessel reached Hobson's bay, where I was at liberty to leave. While on board I noticed that the plate in use was engraven "Sea King," and I have frequently been told by the captain and others on board that the vessel was formerly the Sea King, which sailed from London in October, having on board the first lieutenant of the Shenandoah. I was also told by Mr. Bullock, the sailing master, that the Laurel conveyed Captain Waddell and the other officers from England to the rendezvous with the Sea King, off Madeira. I was also told by the captain that the armament which is now on board the Shenandoah was brought out from England in the hold of the Laurel, packed in boxes.

LILLIAS L. NICHOLS.

Subscribed before me on this first day of February, 1865.

WM. BLANCHARD, *United States Consul.*

[Enclosure No. 12.]

Testimony of William Bruce.

I, William Bruce, at present of the city of Melbourne, in the colony of Victoria, make oath and say:

1. That I am a naturalized citizen of the United States of America, and reside at No. 316 Broadway, Williamsburg, New York State. On or about the 3d day of October, 1864, I shipped on board the bark Helena, Captain Staples, then lying in Newport dock, in the county of Monmouth, in that part of the United Kingdom of Great Britain and Ireland called Wales, as cook and steward.

2. That on or about the 4th day of October, in the year aforesaid, the said bark sailed from Newport aforesaid to Buenos Ayres, in the republic of Buenos Ayres, South America, laden with a cargo of railway iron and other sundries, under the command of the said Captain Staples.

3. That the said bark Helena was an American ship, belonging to Searsport, Maine, United States of America.

4. That no incidents of importance occurred in the said voyage until, on or about the 29th day of October, 1864, when the said bark was within three days' sail of Madeira, a sail was descried astern by me, and I reported the fact to Captain Staples, and about two hours afterwards I was enabled, with my naked eye, to see that she was a steamer flying English colors.

5. That on the following day the same steamer, at about half past one o'clock in the afternoon, under steam and flying the English flag, came on our lee quarter, and on the said bark displaying the colors of the United States of America, the said steamer fired a blank shot towards the said bark and hoisted the flag of the so-called Confederate States of America.

6. That the said bark was thereupon hove to, and a boat left the said steamer with eight persons therein, including three persons who represented themselves as officers of the said steamer, who came on board the said bark and ordered the said Captain Staples and the chief officer, Mr. Peterson, in my hearing, to take the papers of the said bark with them and go on board the said steamer, and to look sharp, because another sail was in sight, and that they, the said captain and chief officer, were prisoners of war, and that the said bark was a prize to the confederate ship Shenandoah. And thereupon the said Captain Staples and Chief Officer Peterson left the said bark in the said boat in charge of one Hunt, the master's mate on board the said steamer called the Shenandoah, and proceeded on board the said steamer, two others, namely, —— Bullock, sailing-master, and —— Mason, passed midshipman, representing themselves as of the aforesaid ranks on board the said steamer called the Shenandoah, remaining on board the said bark, and ordered the crew of the said bark to lower away the sails, which they did; and after the expiration of about half an hour the said Captain Staples and chief officer left the said steamer in the said boat, under the charge of the said Hunt, accompanied by another boat with about eight persons, (among whom was the carpenter of the said steamer Shenandoah, who told me his name was O'Shea, and that he was a citizen of New York, United States of America,) and came on board the said bark, and the said Bullock gave orders to the crew of the said bark to pack up their clothes and go on board of the Shenandoah, meaning the said steamer, and told me to take all my cooking gear on board the said steamer.

7. That, in pursuance of the said order, the said crew and myself went on board the said steamer in one of her boats, (the said Captain Staples and Chief Officer Peterson having been previously sent on board,) and in getting on board the said steamer were ordered to give up our clothes, which we did.

8. That after going on board the said steamer, I and Louis Monrose and Peter Monrose, two of the crew of the said bark, were ordered by the said Bullock again to go on board the said bark and break open the stores of the said bark, which we did; and the said stores, and also some slop clothes and the said bark's instruments, were put on board the said steamer; and the said O'Shea, the carpenter of the said steamer, ordered the said Louis and Peter Monrose to assist him in scuttling the said bark, and I saw the said parties go down the hold, taking augers with them, and make holes in the said bark with said augers, and after they had done so, I and the said Louis Monrose and Peter Monrose were ordered to leave the said bark and go on board the said steamer; and when I got to the gangway of the said steamer I was asked by the paymaster of the said steamer, one Smith, in the presence of the said Captain Staples, if I would join the said steamer Shenandoah as ship's cook, and he told me that one of my shipmates had already joined, and that it would be better for me to join, and I thereupon told him that I would not join, as I wished to go to Moulmein to see my mother, to which he replied, "Pity you were not in your mother's arms;" and about half an hour after I had been on board the said steamer I saw the said bark sink, and on that night I was put in irons, and on the following day, namely, on or about the 31st day of October, 1864, the captain of the said steamer Shenandoah, one Waddell, said to me, "You might as well make up your mind to join," to which I replied that I had no idea of joining; and the said Waddell thereupon said to me that if I would join he would put me, in ten months' time, wherever I wanted, and I again refused to join, when the said Waddell said, "You will be sorry for it."

9. That on or about the 1st day of November, 1864, one Whittle, the first lieutenant of the said steamer, said to me, "Have you made up your mine to join?" To which I replied that

I had not, and he thereupon said, "You will be sorry for it, and you will be put in irons at night and made work all day;" and in consequence of my again refusing to join I was sent to work in the galley with the wardroom cook of the said steamer, and at night was put in irons.

10. That on or about the 3d day of November, 1864, I was ordered to continue assisting the wardroom cook, and continued assisting him until on or about the said 10th day of November, 1864, each night being put in irons; and on or about the said 10th November I was called by the said Whittle aft, and he then said to me, "Steward, you might as well join; it will be better for you." And I thereupon, in consequence of being ironed every night, made work during the day, and pushed about and abused by the crew and officers, consented to join, and subscribed a document agreeing to serve as wardroom steward; and I acted as wardroom steward on board the said steamer thereafter until the 1st day of January, 1865, when, in consequence of being sick, I was let off duty, and remained off duty until the said steamer Shenandoah arrived in Hobson's bay, on the 25th day of January, and on the 28th January, 1865, I left the said steamer and placed myself under the protection of the consul of the United States of America at Melbourne.

11. That during the time I was on board the said steamer Shenandoah I was told by the wardroom cook, one Marlon, a native of the Isle of Man, that he shipped on board the Laurel steamer from the Sailors' Home, Liverpool, to go to Nassau, and that when he came to a bay at the back of Madeira, where the Laurel went to look for the steamer Sea King, and after three days looking for her the Sea King arrived and made signals to the Laurel, and the two steamers came together, and, with the help of some fishermen, the ammunition was put on board the Sea King from the Laurel, and that the Sea King then went to the back of Destan island, and the Laurel went to the front of the island and was chased by a vessel-of-war of the United States of America, and the Sea King sailed away in another direction, and that her name was then changed to Shenandoah. That I heard the fireman of the said steamer Shenandoah, one Jackson, a native of Liverpool, say that he came out in the Laurel, together with Simpson, a native of Ireland; William ———, a native of Birkenhead; Jim, the wardroom boy, a native of Liverpool; boy Jones, steerage steward, a native of London; "Sou-Wester," fireman, a native of London; also another man, a native of London, called "Cockney," to join the steamer Shenandoah; and all the said parties, at different times, told me that they left Liverpool to join the ship Sea King.

12. That one Guy, the gunner of the said steamer Shenandoah, and a native of Plymouth, or somewhere in the west of England, told the mate of the schooner Lizzie M. Stacey, taken as a prize, in my presence, that he shipped at London in the steamer Laurel to come out and join the steamer Sea King.

13. That among the officers and crew of the Shenandoah are the following persons, viz: O'Brien, head engineer; ———, third engineer, Jem ———, the fourth engineer; Simson, sailmaker; Jem ———, boatswain's mate; Crawford, gunner's mate; Bullock, sailing-master, whom I have heard, at different times, remark "that we did not do so (referring, at different times, to the working of the guns) on board the Alabama."

14. That the said Simson told me he was on board the Alabama at the time of her engagement with the Kearsarge, United States ship-of-war, and that he was a paroled prisoner.

15. That at the time I first was taken on board the Shenandoah I saw the bell of the said steamer marked or cut with the words "Sea King," and also the stanchions had the words "Sea King" cut on them, and the words were subsequently filed out of the bell and scraped off the stanchions, and the table services and cloths of the said steamer were marked with the words "Sea King" up to the time I left her in Hobson's bay, as aforesaid.

16. That after I was taken on board the said steamer Shenandoah, the following vessels were captured, namely: the Charter Oak, on or about the 5th day of November, 1864; the schooner Lizzie M. Stacey, bark De Godfrey, brig Susan, ship Kate Prince, bark Edward, and bark Delphine, and all the said vessels, with the exception of the Kate Prince, were either burnt or sunk.

17. That a number of persons taken as prisoners, amounting, in all, to twenty-five, were, on or about the 12th day of December, 1864, landed by the said steamer Shenandoah at Tristan d'Acunha, an island in the Atlantic ocean, and there left by the said steamer.

WILLIAM BRUCE.

Sworn at the city of Melbourne, in the colony of Victoria, this 7th day of February, in the year of our Lord one thousand eight hundred and sixty-five, before me.

WM. BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 13.]

Testimony of John H. Colby.

I, John H. Colby, of Liberty, Maine, United States of America, do solemnly declare and say, that I shipped in Boston, Massachusetts, on board the schooner Lizzie M. Stacey, bound for Honolulu, and sailed in said vessel on the 4th day of October, 1864. That on or about the

13th day of November, 1864, the said schooner was hove to by a blank shot from a steamship under both steam and sails; that I with the rest of the crew was ordered to pack up my things immediately and go on board said steam-vessel by order of a person in uniform, who I afterwards found was acting as second lieutenant of said steam-vessel; said lieutenant said that I was a prisoner of the Confederate States; that I with the rest of the crew of said schooner was then put on board of said steam-vessel; that I asked said officer, before leaving the schooner, what was the name of said war vessel; that said officer replied, "name unknown;" that upon being taken on board of said steamer, I was put in irons for the night, and the next morning released, and they tried to force me to work, but I resisted. The first Lieutenant then ordered me to be triced up by the thumbs, and by these and other coercive measures I was in time compelled to join the vessel in order to relieve myself from tortures and punishments.

That I saw the name Sea King upon the bell, the wheel, the buckets, &c.; the name upon the wheel was afterwards ground out, I turning the grind-stone for that purpose; that the bell was taken by a person acting as carpenter's mate to the engine-room, and the name was there filed out. That if the bell and wheel were now examined, it would be clearly evident that a name on each had thus been erased. That I served on board said vessel until her arrival in Hobson's bay, on the 25th January, 1865; that I came ashore on liberty on Monday, the 30th January, 1865. That while on board I learned the said vessel was called the Shenandoah.

JOHN H. COLBY.

Subscribed in duplicate before me, this second day of February, 1865.

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 14.]

83 COLLINS STREET WEST, MELBOURNE,
February 3, 1865.

SIR: On Monday. the 2d instant, I attended at your chambers with Mr. Blanchard, the American consul, and left certain depositions (which he had caused to be taken) with your secretary. Mr. Chomley, for your perusal, with the view to establish that the Shenandoah is in fact the Sea King, &c.

Mr. Blanchard considered it to be his duty to place the depositions above referred to in your hands, so as to enable the government to take such steps in the matter as they may think necessary.

Mr. Blanchard has instructed me to state that he will, on hearing from you, be happy to attend you with the further evidence he has obtained in this matter.

I have the honor to be, sir, your most obedient servant,

JOSEPH G. DUFFETT.

The Hon. ATTORNEY GENERAL.

[Enclosure No. 15.]

No. 503.] CROWN LAW OFFICES,
Melbourne, February 4, 1865.

SIR: I am directed by the attorney general to acknowledge the receipt of your letter of the 3d instant, and to inform you that he has received and read the depositions in reference to the Shenandoah, and if Mr. Blanchard desires to see him, he will be glad to receive him on Monday next, at twelve o'clock noon, at these offices.

I have the honor to be, sir, your obedient servant,

A. W. CHOMLEY, *Secretary.*

JOSEPH G. DUFFETT,
83 *Collins Street West, Melbourne.*

[Enclosure No. 16.]

83 COLLINS STREET WEST,
February 4, 1865.

DEAR SIR: The attorney general has written me, stating that he will be happy to see you on Monday next, at 12 o'clock, at the Crown law offices.

Yours faithfully,

JOSEPH G. DUFFETT.

WILLIAM BLANCHARD, Esq.

[Enclosure No. 17.]

Testimony of George Silvester.

I, George Silvester, at present of the city of Melbourne, in the colony of Victoria, able sea man, make oath and say:

1. That I am a native of London, England.

2. That on the fifth day of October, one thousand eight hundred and sixty-four, I signed articles as a seaman to proceed to Nassau or the Gulf of Mexico in the steamer Laurel, and on the following day I went on board the said steamer Laurel, then lying in the dock at Liverpool, and on the same day the said steamer Laurel went into the river Mersey, and while there I saw several cases on board as cargo which I subsequently saw opened.

3. That on the eighth day of October, one thousand eight hundred and sixty-four, at about three o'clock in the afternoon, (the said steamer Laurel then being in the Mersey,) I assisted in taking on board fifty-seven barrels of gunpowder, which was stowed in the said steamer Laurel, and after the said gunpowder was put on board, a steam-tug came alongside bringing with her all the officers and some of the crew that were on board of the steamship Shenandoah at the time of her arrival in Hobson's bay, (except the first lieutenant,) who then came on board the said steamer Laurel as passengers; and the same night two steam-tugs came alongside the said steamer Laurel, and from them were put on board her a number of large cases, which I saw subsequently opened, and also shot and shell.

4. That I assisted in stowing the gunpowder put on board as aforesaid, and then saw several cases on board the said steamer Laurel, which I believe were put on board in dock, and which I subsequently saw opened on the Sea King steamer off Madeira and cannon taken out of them.

5. That on the ninth day of October, one thousand eight hundred and sixty-four, the said steamer Laurel sailed from the Mersey, and on the fourteenth of the said month arrived at Madeira, where she took in coal and remained there for three days, when on or about the eighteenth of the said month a steamer came in and signalized the Laurel.

6. That the said steamer Laurel hove her anchor and followed the said steamer, at the same time signalizing to stand in for, as I recollect, Funchal, which the said steamer did, and at about three o'clock in the afternoon the said steamer and the Laurel steamer were alongside each other, and I then saw that the said steamer was a steamer called the Sea King.

7. That at this time both vessels were flying the English flag, and the Sea King anchored and the Laurel fastened to her, and both hauled down their flags, and Waddell and all the officers brought out in the Laurel steamer went on board the said steamer Sea King and took charge of her, and the Laurel's cargo was then transferred to the said Sea King steamer, the last of which was put on board on the morning of the nineteenth day of October, one thousand eight hundred and sixty-four, the crew having worked all night, when the confederate flag was hoisted on board the said Sea King steamer, and the said Waddell (who now commands the Shenandoah) then asked the original crew of the said Sea King to enlist for a cruise on board the Sea King, (the captain who brought out the said steamer Sea King having, as soon as the Laurel's cargo was transferred, gone on board the Laurel,) which they refused to do with the exception of four, namely, Martin, storekeeper, Hutchinson, engineer, W. Clark, coal-passer, Jones, engineers' steward, who enlisted with the said Waddell, and went on board the said steamer Sea King; and the said Waddell also enlisted several from among the crew of the steamer Laurel, and to such as joined paid them fifteen pounds sterling as bounty, and agreed to give them (the sailors) six pounds sterling per month for wages independent of prize money.

8. That the said Waddell said in my hearing "that he was going to wage war with the federals," and subsequently proceeded to sea, the crew of the Sea King who did not join being put on board the Laurel.

9. That I saw the words Sea King on the buckets of the said steamer Sea King, on the life-buoys, on two bells, on boats, on the wheel and stanchions, and on the harness casks, when I joined her as aforesaid, and I heard that the said steamer Sea King was to be called the Shenandoah, and at different times on the cruise the said words Sea King were painted over on the boats and were erased at different times from the said other parts.

10. That the steamship Shenandoah, now in Hobson's bay, Victoria, is the steamer Sea King I joined as aforesaid.

11. That the bolts now used for fastening the guns of the Shenandoah were brought out by and transferred from the Laurel steamer to the Sea King.

12. That the said cases put on board the Laurel steamer, and by her transferred to the Sea King steamer off Madeira, as aforesaid, were afterwards opened on board the Sea King steamer, at this time called the Shenandoah, and cannon taken out therefrom, also carriages, upon which they were mounted and put on deck of the said steamer Shenandoah, and are now there, and from others of the said cases shot and shell were taken and stored on board of the said steamer Shenandoah.

13. That the said gunpowder brought out by the Laurel steamer was put on board the Sea King steamer, afterwards called the Shenandoah as aforesaid.

14. That on the said cruise we fell in, on the twenty-ninth day of October, one thousand

eight hundred and sixty-four, with the bark Alina, (with railway iron,) which was scuttled and afterwards with the schooner Charter Oak, which was burnt; the bark De Godfrey, which was also burnt; the brig Susan, which was scuttled; the ship Kate Prince, which was bonded; the bark Adelaide, which was bonded; the schooner Lizzie M. Stacey, which was burnt; the whaling vessel Edward, which was burnt; and the bark Delphine, which was burnt.

15. That at the time the Sea King was left by the Laurel, her whole crew, including officers, numbered twenty-three.

16. That the several seamen who joined the Shenandoah from prizes did so in order to avoid punishment.

17. That I am a naturalized citizen of the United States of America.

18. That when I first went on board the Sea King steamer from the Laurel, there were two guns then on board of her mounted, which were guns throwing about a sixteen-pound shot, and with these guns all the captures made by the Shenandoah were made.

19. That the said two guns were not brought out in the Laurel.

GEORGE SILVESTER.

Sworn at the city of Melbourne, in the colony of Victoria, this sixth day of February 1865, before me.

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Fnclosure No. 18.]

Testimony of Edward S. Jones.

I, Edward S. Jones, at present of the city of Melbourne, in the colony of Victoria, officer, do solemnly and sincerely declare that I am a native of Gloucester, Essex county, Massachusetts, United States; that on the first of October, 1864, I engaged as chief officer of the United States bark Delphine, of Bangor, Maine, then lying in the Victoria dock, London; that on the 12th October, 1864, said bark sailed for Akyab, with machinery on board, and that up to the twenty-ninth December, 1864, nothing unusual occurred; that on the 29th December a sail was descried, about ten a. m., ahead, and that, coming up with her by about three o'clock in the afternoon of the same day, I saw above alluded to vessel flying the English flag, when the bark Delphine continued her usual course, showing the United States flag. The vessel in question then hauled down her flag and hauled to wind, as we supposed to speak us. She had no suspicious pennant about her, but I was then able to see that she was a steamer. Said vessel subsequently hoisted the confederate flag and fired a blank shot, whereupon the Delphine hove to. A boat from said vessel, with five men and two officers, named Bullock and Minor, all well armed, boarded the bark Delphine. Bullock spoke to Captain Nichols. The captain took ship's papers, and at the request of said Bullock Captain Nichols went on board said vessel, where I was requested by said Bullock to accompany him. The boat of said vessel transferred us from Delphine on board the said vessel, which we were told was the Shenandoah. Captain Nichols was ordered in the cabin, whereas I stopped on deck. Soon afterwards Captain Nichols came from cabin and told me the captain of Shenandoah had condemned his vessel, (Delphine,) and that the said captain ordered him to proceed on board her in order to bring off his (Captain Nichols's) wife and child, as well as clothing. The first lieutenant of the said Shenandoah, Mr. Whittle, told me he had orders from his captain not to allow me to proceed again on board bark Delphine. Captain Nichols soon afterwards arrived on board the Shenandoah accompanied by his wife and child, and they brought also their clothes. Upon Captain Nichols's return to the Shenandoah I was allowed to go to the bark Delphine, and, immediately on my reaching her, Bullock asked me to assist in setting fire to her, which I positively refused. The crew of said Shenandoah removed several boat-loads of stores, in which the crew of the Delphine were made to assist. At about ten o'clock in the evening I left the Delphine and saw her set on fire by Bullock and a man Simpson. I did not see her sink. The paymaster of the Shenandoah told me I was a prisoner of war, and made me sign a parole. That whilst on board of the Shenandoah I noticed three boats, all buckets, all life-buoys, and many knives and forks, bore the mark "Sea King;" and I was told by Mr. Bullock, sailing-master, Colton, master's mate, Hutchinson, third engineer, Minor, master's mate, and the carpenter, O'Shea, that the Sea King was her name previous to being changed into Shenandoah. I have heard repeatedly all the officers say, with the exception of Mr. Whittle, that they came out from Liverpool in the Laurel to join the ship—meaning the Sea King, of London. I heard said officers also say that the guns and ammunition came out in the Laurel, and that it was a prearranged plan to meet the Sea King and proceed on a cruise. I also heard said officers state that the guns on the Shenandoah, as well as the ammunition, were transshipped from the Laurel on the Shenandoah off Madeira. I also heard them say that the Laurel awaited the Sea King at Madeira for some days, and that on the Sea King rounding a certain point she was cheered by the crew and passengers

of the Laurel; that the two ships signalled to each other, and that the Sea King, without coming to anchor, proceeded out again to sea and was soon afterwards followed by the Laurel. I heard Mr. Hunt, master's mate, say that the Sea King was bought in London for the confederate government, for a sum, to the best of my recollection, of £45,000, (say forty-five thousand pounds.) I heard third engineer say that he shipped in her in London for Bombay. The carpenter of the Shenandoah, Mr. O'Shea, told me that when he went on board of the Shenandoah she had no bolts to lash the guns, but that the bolts now serving, and which were made for that purpose, came with the Laurel from Liverpool, and that he fixed them. The reason I was not confined was because the captain was in hopes that I would join his ship. The first day of my stay in the Shenandoah the first officer, one Whittle, wanted to put me in irons, whereupon Captain Waddell told him not to do so, as I might probably volunteer to become one of the ship, as he liked my broad shoulders. I was frequently offered to join the ship, and promised seventy-five dollars a month, payable in gold, if I did so. That two days before arriving in Hobson's bay I had again to sign, in duress, a parole, and, on reaching Melbourne, placed myself under the protection of the United States consulate.

EDWARD S. JONES,
First Mate late Bark Delphine.

Subscribed and sworn to, in duplicate, before me, this sixth day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 19.]

Testimony of James Ford.

I, the undersigned, James Ford, of New York, United States of America, now residing in Melbourne, hereby declare that during the month of June, 1864, I shipped on board the United States brig Susan, at Philadelphia, as a seaman, and remained on board her up to the time of her capture by the so-called confederate steamer Shenandoah; that said ship Susan sailed on 26th September, 1864, from Cardiff, bound for Rio Grande, under Captain Hanson; that nothing unusual occurred on said ship until the 10th of November, when we sighted a sail ahead of us at about half-past three o'clock a. m., making an eastward course. At about half-past five o'clock same day I was told by one of the crew below that the vessel we sighted before was running up astern. I then went on deck and saw said ship running towards us, flying the English flag; thereupon the captain gave orders to hoist our flag; after which the said vessel fired a blank shot and hoisted the confederate flag. Not heaving to immediately, a second blank shot was fired; whereupon the said ship Susan hove to. A boat with five men arrived, with two officers named Chew and Brown, boarded us and took the captain and first mate on board the Shenandoah, one officer accompanying them, whereas the other took possession and command of the said vessel Susan. The same boat, accompanied by another, again came to the said ship Susan, with about ten men, armed. They lowered the boat of the said ship Susan and ordered the crew to put their clothing, allowing only one bag per man, on board said boat. The crew from the Shenandoah then took such stores from the Susan as they thought most desirable, and made crew of the Susan give assistance in taking stores off. I was asked on board the Susan to join the crew of Shenandoah, which I declined. The crew from the Shenandoah then scuttled ship Susan, as I heard them knocking off planks in the hold. I, with others, then went on board Shenandoah, and was again asked by officers and crew to join the ship, which I did, being unwell at the time. I then signed the articles for a cruise. The mate and second mate, who would not join, were put in irons, whereas the captain was left at liberty. When on board the Shenandoah I noticed that two twelve-pounder guns, the bell, the wheel, and some buckets bore the mark "Sea King,'" and on the bow I noticed the letters ING. That whilst sailing I was told by —— Warren, boatswain's mate, to assist in taking down the bell, which I did, and it was taken in the engineer's room. Subsequently I noticed said bell hung up, but the name Sea King erased, and the marks of files or some instrument of that description were visible when I landed. The name Sea King was also erased or taken off from the guns and wheel, all of which bear marks to that effect. That I overheard frequent conversations to the effect that the Laurel and Sea King met at Madeira—arriving to a prearranged plan—the former having ammunition, arms, and officers and crew on board for the latter. I cannot swear to the parties who I overheard telling above. That out of a crew of about fifty sailors (officers excluded) no more than four to six born or naturalized Americans were on board, the majority of the others being of British origin; that the above four to six born or naturalized Americans were captured prisoners, and, in preference to torture, enlisted; but that the original crew of sailors is of entirely foreign descent; that about twenty-eight men were landed on the island Tristan da Cunha; that whilst I was on board the Shenandoah she captured ship Kate Prince, bark Adelaide, schooner Lizzie M. Stacey, bark Edward, and bark Delphine, and in all instances she proceeded in the same way, viz: in signalling to any ship she first hoisted the English flag. Upon being replied by the United States flag, she invariably lowered it, approached

the decoyed prey, hoisted a confederate flag, and fired a gun to make the ship heave to. That on arriving in Hobson's bay, I desired to get rid of my impressment and placed myself under the protection of the United States consul.

JAMES FORD.

MELBOURNE, *February*, 1865.

Subscribed and sworn to, in duplicate, before me, this 2d day of February, 1865, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD,
Consul of the United States of America.

[Enclosure No. 20.]

Testimony of George R. Brackett.

I, George R. Brackett, at present of the city of Melbourne, in the colony of Victoria, able seaman, do solemnly and sincerely declare: That I am a native of Rocklane, Maine, in the United States of America. That on the fifth day of October, 1864, I shipped at Boston on board the bark De Godfrey of Boston, United States of America, whereof Hallett was captain, for a voyage to Valparaiso. That on the sixth day of October, 1864, the said bark, under the command of the said Hallett, proceeded on her voyage to Valparaiso, laden with a cargo of general merchandise, and no particular incident took place on the said voyage until about eight o'clock in the morning of the 7th November, 1864, when we sighted a sail astern, which continued to gain on the said bark, and about two o'clock, when I was at the wheel of the said bark, I saw that the sail was a steamer and that she was getting up steam, and about half past three o'clock in the afternoon I saw the said steamer hoist the English flag, and about ten minutes to four o'clock in the said afternoon the captain of the said bark De Godfrey gave orders to the mate, Mr. Taylor, to hoist the flag of the United States of America, which was done, and the said steamer thereupon hauled down the English flag and hoisted the flag of the so-called Confederate States and fired a blank shot towards the said bark; and in pursuance of an order given by the captain of the said bark, she was hove to, and the said steamer lowered a boat containing three persons, viz: Bullock, sailing-master, Scales, fifth lieutenant, Hunt, midshipman, who represented themselves of the aforesaid ranks on board the said steamer, and five men who, being well armed, came on board said bark, and the said Bullock said to the said Captain Hallett and the mate, Mr. Taylor, in my hearing, "Take your papers and go on board Shenandoah; you are prisoners of war and your vessel is a prize to the confederate steamship Shenandoah;" and the said Captain Hallett and the said Mr. Taylor were then taken on board the said steamer by the said Scales and five men, the said Bullock and Hunt remaining on board the said bark and gave orders to the crew to clew up the sails, which was done. That in about half an hour the said Captain Hallett and mate, Mr. Taylor, left the said steamer in charge of the said Mr. Scales in the said boat containing five men, accompanied by another boat containing seven persons, all armed, and all the said parties came on board the said bark, and the said Bullock then gave orders to the crew of the said bark to break open the stores and put them in a boat together with our clothing and to go on board of the Shenandoah, which we did; and on getting on board the said steamer, I saw a fire break out in the said bark, which continued burning until about half past eleven o'clock that night; all sight was lost, the said steamer after the said fire broke out having steamed away. That on my proceeding on board the said steamer aforesaid, Whittles, who said he was first lieutenant of the said steamer Shenandoah, asked me to join the said steamer, which I refused to do; and he then said to me "You will fare worse," to which I made no reply, and was then ordered to the other side of the deck, where I went, and afterwards the said Whittle, Bullock and Grimble (second lieutenant on board the said steamer) came over, and the said Whittle then asked the rest of the crew of the said bark who were with me, and myself, if we were going to sign, to which we all replied no; and the said Bullock then said, "Don't you calculate to sign?" to which we all replied again no; and then the said Whittle said, "I will give you two and a half hours to make up your minds, and if you don't sign then I will put you in double irons and put you in the fire-room before the furnace on the coals every night, and I will keep you four months if you don't sign, and make you work every day." That at the expiration of the said two and a half hours Bullock came to us and asked if we had made up our minds to sign, and, in reply, I declined again, but eventually, on his holding out threats of punishment, I and John Davy, William West, Walter Madden, and George Flood, being the crew of the said bark, consented to and did sign, agreeing to serve as seamen on board the said steamer Shenandoah for six months. That when I went on board the said steamer I saw the bell was marked or cut with the words Sea King, and about fourteen days afterwards I was ordered by Howard, the boatswain of the said steamer, to assist in taking down the bell, which was taken down, and three days subsequently I was ordered to assist in putting it back in its place, and I noticed that the said words Sea King were taken off; and I was also, about two days before, ordered to scrape off the said harness cask the said words Sea King, which I did, and also sub-

sequently saw that the said words Sea King were erased from the guns, two twelve-pounders. That I also noticed a brass plate on the said steamer, fixed between the two cabin doors, marked or cut with the words "built by A. S. Stephens & Sons, Glasgow," and that the after part of the main hatch combings was marked or cut with the figures and word "790 tons," also the year the said steamer was built, which I now forget. That while I was on board the said steamer the said Bullock; Smith, paymaster of the said steamer; the said Howard; Crawford, gunner's mate; Simson, cockswain of the captain's gig of said steamer, and Bowman, chief boatswain's mate, at different times told me they were on board the Alabama steamer, (sunk some time since by the Kearsarge, United States vessel-of-war,) and that they were sunk in her. That while I was on board the said steamer the following vessels were captured, viz: the brig Susan, ship Kate Prince, bark Adelaide, schooner Lizzie M. Stacy, bark Edward, and the bark Delphine, and all the said vessels except the Kate Prince and the bark Adelaide were burned or sunk. That Waddell is captain of the said steamer Shenandoah, and with the exception of the officers of the said steamer, during the whole time I was on board, out of about thirty-five making the crew of the said steamer, there were only four Americans on board—all the rest of the crew being English, Irish, Dutch, Swedes and Norwegians. That on the said steamer arriving in Hobson's bay, Victoria, I got liberty to go on shore, and on getting on shore, placed myself under the protection of the consul of the United States of America.

GEORGE R. BRACKETT.

Subscribed and sworn to, in duplicate, before me this 3d day of February, 1865, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD,
Consul of the United States of America.

[Enclosure No. 21.]

Testimony of Charles Bollen.

I, Charles Bollen, of Stockholm, Sweden, do solemnly declare: That I shipped on board bark Delphine, in London, for a voyage to Akyab, on the 5th October, 1864, and we sailed on 9th of same month. That on the 29th of December, 1864, we were captured by an armed vessel called the Shenandoah, and taken on board, kept in irons ten days, when I consented to work; I signed a parole before proceeding to do so, and on our arrival in Hobson's bay was released, and placed myself under the protection of the American consul at the port of Melbourne. That while on board one of the men told me he left the steamer Laurel off Madeira and joined her; at that time she was the Sea King.

CARL BOLIN.

Subscribed and sworn to, in duplicate, before me this 4th day of February, 1865, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 22.]

Testimony of John Sandall.

I, John Sandall, of Stockholm, Sweden, hereby solemnly declare: That on the 5th October, 1864, signed articles for a voyage on board bark Delphine, in London, to proceed on a voyage to Akyab, and sailed in her on the 9th October; nothing unusual occurred until the 29th December, when she was captured by an armed vessel called Shenandoah. On taking us on board they kept me in irons ten days, after which I consented to go to work rather than be kept in irons. I remained on board working with the crew until her arrival in Hobson's bay, when I was released, and placed myself under the protection of the American consul. That while on board I had conversations with some of the men who told me she was the Sea King, and that they joined her off Madeira, sailing in the Laurel from Liverpool to do so; I also noticed the letters ING. on her headboard, also a spoon marked Sea King.

JOHN SANDALL.

Subscribed and sworn to, in duplicate, before me this 4th day of February, 1865, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD.
United States Consul, Melbourne.

[Enclosure No. 23.]

Testimony of William Scott.

I, William Scott, of Gothenburg, Sweden, but now residing in Melbourne, Australia, do solemnly declare: That on the 5th October, 1864, I signed articles to proceed on a voyage to Akyab, in bark Delphine, as carpenter, and on the 9th October we sailed from the port of London. That nothing unusual took place until the 29th December following, when we were captured by an armed vessel, at first showing the English ensign; after firing a gun she displayed a flag of the so-called Confederate States of America. That I with rest of crew were taken on board of said vessel called the Shenandoah and asked to join, which I refused to do; I was then placed in irons and told I would be kept there for three or four months unless I would work for them; at the end of ten days I consented to work, and was released on signing a parole, and remained on board until her arrival in Hobson's bay, when I was released, and placed myself under the protection of the American consul at this port. That during my stay on board I noticed the letters ING. on part of her headboard, also a spoon marked Sea King, and saw that the buckets had had a name scraped off them.

WILLIAM SCOTT.

Subscribed and sworn to, in duplicate, before me this 4th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 24.]

Testimony of Frederick Lindborg.

I, Frederick Lindborg, of Sweden, but now residing in Melbourne, Australia, do solemnly declare and say: That I shipped on the 5th October, 1864, on board the bark Delphine, as a seaman, in London, bound to Akyab; nothing unusual occurred until the 29th December, 1864; that on the said 29th of December a sail was sighted about nine o'clock in the morning, which we gradually neared. That when about three miles distant she hoisted the English flag, the American flag was then hoisted on our vessel: upon seeing which, the strange vessel lowered the English flag, fired a blank shot, and raised the confederate flag; our vessel was then hove to. That our vessel was then boarded, the captain and mate taken to the other vessel, and after bringing the captain back our vessel was declared to be a prize. That after packing up our clothes I, with the rest of the crew, was taken on board said vessel, which proved to be a steamer, and was there asked by some of the crew to join her, but I refused to do so. That they then ironed me and put me among the sheep. That I was told by the carpenter's mate that the vessel's name was Shenandoah. That at the end of ten days I consented to work in preference to being kept in irons; I was then released and signed a parole. That I worked with the crew until our arrival in Hobson's bay. That on the 26th January, 1865, I was released from imprisonment, came ashore, and went to the United States consulate for protection and assistance.

FREDERICK LINDBORG.

Subscribed and sworn to, in duplicate, before me, this fourth day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 25.]

Testimony of Lillias L. Nichols.

I, Lillias Lewene Nichols, at present of the city of Melbourne, in the colony of Victoria, wife of William Green Nichols, master mariner, make oath and say—

1. That on the twenty-ninth day of December, one thousand eight hundred and sixty-four, I was on board the bark Delphine, belonging to Bangor, Maine, United States of America, in company with my husband, the above-mentioned William Green Nichols, under whose command the said bark then was; and about three o'clock in the afternoon of that day, the said bark was hove to, in consequence of a blank shot fired towards her by a steamship called the Shenandoah, flying the flag of the so-called Confederate States of America, and was subsequently boarded by —— Bullock, the sailing-master of the said steamer, who told my said husband and his chief officer, Mr. Jones, that they and the said bark were a prize to the Confederate States of America, and ordered them to go on board the said steamer;

and in pursuanee of the said order, my said husband and the said chief officer went on board, and subsequently returned to the said bark, and I was taken on board the said steamer, as also my husband, his officers and crew, and about eleven o'clock that night the said bark was burnt.

2. That on my getting on board the said steamer, one Waddell, the captain of the said steamer, said to me, "Welcome on board the Shenandoah;" and while I was on board the said steamer, I was treated with kindness and consideration by the said Captain Waddell.

3. That while I was on board the said steamer, I frequently was in conversation with the said Waddell, who frequently told me that he came out in the Laurel steamer from Liverpool to a place off Madeira, and that the Laurel arrived there three days before the Sea King, and was waiting three days for the Sea King; and on the Sea King appearing, they cheered her; and that the said steamer Shenandoah was formerly the Sea King, and was built at Glasgow; and that the Laurel and Sea King steamer met off Madeira, and that the guns and ammunition then on board the steamer Shenandoah were brought out by the said steamer Laurel, packed in boxes.

4. That the said Waddell told me, while I was on board the said steamer, that he left his wife in England; and that on leaving England, he told her that he was going on a cruise, and that she would most likely hear a great many things to his detriment, but not to believe them; and the said Waddell also told me that he picked up his officers, some in Paris, some in London, and some in Liverpool; and that some were recommended by Semmes, of the Alabama steamer, (lately sunk by the Kearsarge, United States ship-of-war;) and that his cruise was to burn and destroy everything flying the federal flag.

5. That the said Waddell told me that Whittle, the first lieutenant of the said steamer, came out in the Sea King steamer; and the said Whittle also told me that he came out in the Sea King to a place off Madeira; and that when they arrived, they were cheered by the people on board the Laurel steamer on coming round the point.

6. That the said steamer Shenandoah arrived in Hobson's bay on the twenty-fifth day of January, one thousand eight hundred and sixty-five; and two days previous to her arrival, the paymaster, one Smith, called me to read a paper document, which I did, and found it was a parole not to bear arms or to do anything to the detriment of the confederate cause; and I then told the said Smith that I was not a prisoner of war, and that Captain Waddell had frequently told me so; and the said Smith told me I must sign it to get released; and, in reply, I told the said Smith that I did not consider it binding, and that if any questions were asked of me I would answer them; and he then said, "It is a mere matter of form, and was the only way for me to obtain my release;" and on the said representation, "that it was the only way for me to obtain my release," I signed the said paper document, protesting, as I was then under duress.

7. That I am a native of Searsport, Maine, United States of America.

LILLIAS LEWENE NICHOLS.

Subscribed and sworn to, in duplicate, before me, this third day of February, 1865, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD,
Consul of the United States of America.

[Enclosure No. 26.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 9, 1865.

SIR: I have the honor to inform your excellency, that I have already left at the Crown law offices, by my attorneys, Messrs. Duffett, Grant, and Woolcott, at different times, the affidavits of the following persons in relation to the Sea King, *alias* Shenandoah; all of which affidavits go to show the real character of said vessel, and are in support of the several protests I have the honor to forward to your excellency, and which protests I now reiterate.

List of affidavits left at the Crown law offices on February 2, 1865.

Mrs. L. L. Nichols, wife of W. G. Nichols, master of bark Delphine, and passenger thereon; William Bruce, steward, bark Alina; John H. Colby, seaman, Lizzie M. Stacey.

Left on February 6, 1865.

Edward S. Jones, chief officer, Delphine; James Ford, seaman, Susan; Geo. R Brackett, seaman, De Godfrey; Charles Bollen, seaman, Delphine; John Sandall, seaman, Delphine; William Scott, carpenter, Delphine; Frederick Lindborg, seaman, Delphine; George Silvester, late a seaman on the Laurel and fireman on the Sea King, *alias* Shenandoah.

I have the honor to be your excellency's most obedient servant,

[SEAL.]

WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency Sir CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Enclosure No. 27.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 10, 1865.

SIR: I most respectfully beg leave to call your excellency's attention to that part of the enclosed affidavit of John Williams, taken before me this day, late cook on board the Shenandoah, *alias* Sea King, relative to the shipment of men on board said Shenandoah in this port.

I have the honor to be your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency Sir CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

Copy of affidavit enclosed in the above.

I, John Williams, of Boston, Massachusetts, do make oath and say, that I was taken from the bark De Godfrey, the seventh day of November, 1864, as a prisoner, and put on board the steamship Shenandoah, now in Hobson's bay; that I served as cook under compulsion and punishment on board said Shenandoah, from the day of my capture until Monday, the sixth day of February, 1865; that on Monday last I swam ashore to obtain the protection of the United States consul; that when I left the said Shenandoah, on Monday last, there were fifteen or twenty men concealed in different parts of said ship, who came on board since said Shenandoah arrived in Hobson's bay, and said men told me they came on board said Shenandoah to join ship; that I cooked for said concealed men for several days before I left; that three other men, in the uniform of the crew of the Shenandoah, are at work on board said Shenandoah—two of them in the galley, and one of them in the engine-room; that said three other men in uniform joined said Shenandoah in this port; that I can point out all the men who have joined said Shanandoah in this port.

JOHN WILLIAMS.

Subscribed and sworn to, in triplicate, before me, this tenth day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 28.]

CROWN LAW OFFICES, MELBOURNE, *February* 11, 1865.

SIR: I am directed by the law offices of the Crown to acknowledge the receipt of your letter of yesterday's date, addressed to his excellency the governor, and containing an affidavit of one John Williams, relative to the shipment of men on board the Shenandoah in this port. In reply, I am to inform you that the above-named John Williams may attend on Monday morning next, at the office of the Crown solicitor; and if he can give evidence sufficient to support a charge of misdemeanor against any of the persons concealed on board the Shenandoah, or against any of the officers of that ship, proceedings will be taken immediately.

I have the honor to be, sir, your obedient servant,

A. W. CHOMLEY, *Sec'y.*

The CONSUL *for the United States of North America.*

[Enclosure No. 29.]

Testimony of John Williams.

I, John Williams, of No. 6 Richmond street, Boston, Massachusetts, do declare on oath, that I shipped on board the bark De Godfrey, Captain Halleck, and sailed in said bark from Boston, on the 6th of October, 1864; that nothing unusual occurred until the 7th of November, 1864, when a vessel under steam and sail, flying the English ensign, ran down to us, lowered the English flag and hoisted the confederate flag, which I knew, fired a cannon for said bark to heave to, which said bark did; that a boat from said steamer, containing two officers and six men, all armed, came alongside; both officers came on board said bark and ordered the captain and first mate to go on board said steam-vessel and take the bark's papers with them; that the captain and mate, as ordered, did go; that one of the said armed officers took charge of the bark in the captain's absence; that when Captain Halleck returned, he was allowed to take only part of his clothing; that we were all then ordered on board the said steam-vessel; that before I had reached the steam-vessel I saw the bark I

had left on fire, and I watched her until the mainmast went over the side; that after I got on board, I was ordered to go into the cabin and work, and all hands called to splice main brace; that the next day the captain of said steamer, Mr. Waddell, said I had better join the ship, as it would be better for me; that as colored people were the cause of the war, if I did not join, it would go hard with me; that said Waddell said he wanted to get all the colored persons he could; that I offered to work, but refused to join ship; that he then said he would put me in the coal-hole for six months; that he then offered me a month's advance, (£6,) which I refused, because I am a loyal citizen, and have served my time in the navy of the United States; that I was in the Congress when she was sunk in Hampton roads, and had with me my discharge from the Minnesota; that I have been triced up by the thumbs seven times for upholding my country; that I have been triced up after my work was done, from 6 o'clock p. m. until 9 o'clock p. m.; that I told Mr. Whittle that I was forced to join said Shenandoah, and if the Minnesota was here she would blow this vessel out of the water; he then ordered me to be triced up by the thumbs, which was done by the master-at-arms; that I continued to work on board said vessel until her arrival in the port of Melbourne and until Monday night last, when I swam ashore to find the United States consul; that when I first went on board the said steamship, I saw that her articles read Shenandoah, but all parts of the vessel were marked "Sea King," of Glasgow; that two twelve-pounder guns were marked Sea King, with a crown, and the letters P. D., one on each side of the crown, and the said guns were so marked when I left the said Shenandoah on Monday last; that the cooking stove that I used while on board was marked Sea King, of Glasgow; that the said stove was on board on Monday last; that Captain Waddell told me he would get me a better stove as soon as the vessel went in the slip; that the bell, sideboard, wheel, and a brass plate on the cabin door, were all marked Sea King when I first went on board said Shenandoah; that in all the captures made by said Shenandoah since I have been on board, the guns marked Sea King, and having a crown and letters P. D. as before described, were used to bring the vessels to; that no other cannon have been fired since I came on board.

JOHN WILLIAMS.

Subscribed and sworn to, in duplicate, this 11th day of February, before me, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 30.]

Testimony of Walter J. Madden.

I, Walter J. Madden, of Boston, Massachusetts, do declare on oath, that I sailed from Boston, Massachusetts, in the bark DeGodfrey, Captain Halleck, on October 6, 1864, bound to Valaparaiso; that on the seventh of November, 1864, the said bark was captured by a steamer, which I afterwards learned was called Shenandoah, said steamer first showing the English ensign, and after we showed our colors she then hoisted the confederate flag; that I was then ordered on board the said Shenandoah; that after I got on board I was told that if I would not join said Shenandoah I would be put in irons and in the coal-hole until I did join, or until said vessel arrived at a port to land me, which might be several months; that being sick at the time, and in order to avoid punishment, I consented to join her for six months, against which shipment I now protest; that when I came on board said Shenandoah I saw the aprons on two quarter-deck cannons marked "Sea King," which words "Sea King" were, about one month afterwards, erased; that the bell forwards was also marked with the words "Sea King," which words were erased; that I served on board said Shenandoah as captain of the hold; that all the stores on board said vessel down to her kelson are marked "Sea King," except those taken from the vessels captured after I came on board said Shenandoah; that the letters ING cut in the head-board, which is broken off said ship Shenandoah and painted over, were still visible when I left the vessel on the seventh of February, 1865, in the port of Melbourne; that when I left the vessel on the seventh instant there were men hid in the forecastle of said ship and two working in the galley, all of whom came on board of said vessel since her arrival in this port; that the officers pretend they do not know that said men are so hid; that the guns on the quarter-deck marked "Sea King," when I came on board, were the only guns on board the said Shenandoah that were used to make prizes; that on the occasion of the capture of the Delphine, one of the rifled guns of said vessel was cleared away for use, but the vessel hove to without a shot from said rifled gun.

WALTER JAMES MADDEN.

Subscribed and sworn to in duplicate before me this ninth day of February, 1865, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 31.]

Testimony of Thomas Jackson.

I, Thomas Jackson, at present of the city of Melbourne, in the colony of Victoria, able sea man, make oath and say:

1. That I am a native of Yorkshire, England, and between three and four months ago I shipped at Liverpool, on board the Laurel steamer of Liverpool, to proceed on a voyage to the Gulf of Mexico, and was shipped and taken on board the said steamer Laurel by —— Allen, chief engineer of Fraser & Co., of Liverpool, while under the influence of drink; and the day after I was taken on board the said steamer a number of boxes were hoisted on board the said steamer Laurel from two tug boats, while the Laurel was in the Mersey, and I assisted in putting the said boxes on board, and on the following day the Laurel proceeded on her said voyage, or supposed voyage.

2. That after the expiration of about five days from the said steamer leaving Liverpool on the said supposed voyage, she anchored at Madeira and took in coal, and waited at anchor there for about three days, when a steamer signalized the said steamer Laurel from outside, and the said steamer Laurel then weighed anchor and proceeded to the back of the island and waited for the aforesaid steamer, which came alongside, and I then saw the words "Sea King" on her bows.

3. That the cargo brought out in the said steamer Laurel was then transferred to the said steamship Sea King, such cargo being packed in boxes, and was put on board the Laurel at Liverpool while I was on board, and which I assisted in putting on board as aforesaid, and the said steamer Sea King immediately proceeded on her voyage, and hoisted the flag of the so-called Confederate States of America, and the people on board the Laurel gave the Sea King three cheers, and the Laurel then proceeded, as I believe, to Nassau.

4. That I shipped on board the said steamship Sea King at Madeira as fireman, being engaged by Whittle, (who is now the first lieutenant of the steamship called the Shenandoah,) having first been well supplied with rum to drink by the said Whittle and ——— Bullock, the sailing-master.

5. That about two days after leaving Maderia in the said steamer Sea King, the said words "Sea King" were painted over, and the said Whittle, after the said cargo was put on board from the said steamer Laurel, and about a day after the said steamer Sea King left Madeira, read his commission to the crew, and told me that I was supposed to be a southern man, and the name of the said steamship Sea King was, in the future, to be Shenandoah, and thereupon, from that time afterwards, the said steamer Sea King was called Shenandoah.

6. That in about a month or six weeks after leaving Madeira in the said steamer Sea King, (at this time called the Shenandoah,) the bell of the said steamer bearing the words "Sea King," engraven thereon, was brought to me by —— Guy, the gunner of the said steamer Shenandoah, who told me to help file the said words "Sea King" out of the said bell, which I did, assisted by Martin, the storekeeper of the said steamer, and the next day the said Martin took the said bell back to one of the men, and I afterwards saw the said bell on the topgallant forecastle, and the said bell was on board the said steamer Shenandoah when I left her in Hobson's bay, Victoria.

7. That all the officers on board the said steamship Shenandoah, with the exception of the first lieutenant, came from Liverpool in the said steamship Laurel, and went on board the said steamer Sea King at the back of Madeira, as aforesaid.

8. That the said cargo put on board the said steamer at the back of Madeira from the Laurel, packed in boxes as aforesaid, was afterwards opened, and consisted of cannon, carriages, shot, and shell, and also powder, and the said cannon were afterwards mounted on board the said steamer Sea King, now Shenandoah.

9. That about two days before the said steamer Shenandoah arrived in Hobson's bay the said words "Sea King" were still visible on the bows of the said steamer, the Shenandoah, and the said Whittle told some of the crew to paint over the bows of the said steamer again, which they did, and painted a white streak round her stern block.

10. That about six weeks after leaving Madeira, as aforesaid, some plates with the words "Sea King" engraved or cut therein, affixed between the cabin doors and other places on the said steamship, then called the Shenandoah, were unscrewed by the carpenter (O'Shea) and thrown overboard.

11. That I have sailed eight or nine years backwards and forwards from the United States of America, and have a protection as a United States citizen, which is now, together with all my clothes, on board the said steamer Shenandoah.

12. That the said Sea King had on board of her when I joined her from the said Laurel, near Madeira, two mounted cannon, and that the said two mounted cannon did not come out in the said Laurel; that the said two mounted cannon were the only cannon used to make captures or prizes with while I was on board said Shenandoah; that the cannon taken from the said Laurel have never been fired since they were put on board the said Shenandoah, and

I left the said Shenandoah on the twenty-seventh day of January, 1865, at the port of Melbourne.

his
THOMAS × JACKSON.
mark.

Witness:
J. B. SWASEY.
S. GAGE.

Subscribed and sworn to, in duplicate, (first reading the above oath to Thomas Jackson in the presence of J. B. Swasey and Simeon Gage, who witnessed also his mark,) before me this eighth day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 32.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 13, 1865.

SIR: I have the honor to forward to your excellency, enclosed herewith, the affidavits of three persons, taken before me, in relation to the Sea King, *alias* Shenandoah. which affidavits go to show the real character of said vessel, and are in support of the several protests I have had the honor to forward to you.

1. John Williams, late a prisoner from the American bark DeGodfrey, and an impressed cook on board the said Sea King, *alias* Shenandoah.
2. Walter J. Madden, late a prisoner from same bark, and captain of the hold on board said Sea King, *alias* Shenandoah.
3. Thomas Jackson, late a seaman on board the steamer Laurel, and fireman on board the Sea King, *alias* Shenandoah.

I have the honor to be your excellency's obedient servant,

[SEAL.] WILLIAM BLANCHARD,
United States Consul at Melbourne.

His Excellency Sir CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Enclosure No. 33.]

PRIVATE SECRETARY'S OFFICE,
February 13, 1865.

SIR: In acknowledging the receipt of your letter of this date, I am directed by his excellency to acquaint you that the matter to which it more particularly refers, and which was first brought under his notice in your letter of the 10th instant, has engaged, and continues to engage, the earnest attention of the colonial government.

I have the honor to be, sir, your obedient servant,

H. L. WARDE,
Private Secretary.

WILLIAM BLANCHARD, Esq.

[Enclosure No. 34.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 14, 1865.

SIR: I have the honor to forward to your excellency, enclosed herewith, the affidavits of F. C. Behucke and Hermann Wicke, late prisoners from the American bark Alina, and impressed sailors on board the Sea King, *alias* Shenandoah, taken before me this day, which affidavits are in support of my protests, and also tend to show a continued violation of law by persons on board said vessel.

I have the honor to be your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency Sir CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Enclosure No. 35.]

Testimony of Hermann Wicke.

I, the undersigned, Hermann Wicke, now of the city of Melbourne, hereby solemnly declare and make oath: That I am a native of Posthause district, Achem, kingdom of Hanover, Germany. That I shipped as ship's boy on the 5th of October, 1864, at Newport, England, on board the American bark Alina; that on the 6th of October the Alina sailed from Newport for Buenos Ayres, and that up to the 29th of October nothing unusual occurred; that on the 29th of October, at about 10 a. m., a steamship, with steam up and under full sail, was descried coming towards the bark Alina, and in nearing about two miles the English ensign was hoisted on said steamer, whereupon the bark Alina hoisted the United States colors: that about one o'clock on the same day, when within a distance of three-quarters of a mile, the said steamer fired a blank shot, lowered the English flag and hoisted the flag of the Confederate States of America; that the bark Alina thereupon hove to and was boarded by a boat from said steamer, manned with five sailors and two officers, who were all fully armed with revolvers; that the captain and mate were ordered on board the steamer, whereas the crew were required to remove such stores from the Alina, with two boats from the Alina and two from the steamer, as were pointed out by an officer of the steamer who was left on board; that the crew were informed that the ship was a prize of the Confederate States of America, and that each of the crew would be allowed to take one bag of clothing on board the steamer; that I went, with others, on board the steamer, on the bell of which I saw the name Sea King, which subsequently was erased. I was told the name of said steamer was Shenandoah. Captain Waddell, of the steamer Shenandoah, asked me to join ship. I was intimidated, and, not understanding English properly then, I replied yes to everything I was told and asked. I signed, being afraid that by not doing so I might lose my life. That I served on board the Shenandoah as coal trimmer, and on the passage to Melbourne eight ships were captured by the Shenandoah, for the heaving to of which two ordinary ship's guns aft alone were used; I never saw any of the two rifled guns or of the four 68-pounders used or fired. That William Clark, also a coal trimmer on board the Shenandoah, told me she sailed from London as the Sea King, and that he shipped in London on board the Sea King; that the said W. Clark was still on board on the 12th instant when I left the Shenandoah; that since her arrival in Hobson's bay I did the work of firemen's mess cook, consisting of bringing to and fetching from the cooking galley the food for the firemen and cleaning tables, &c. That the rations in Hobson's bay are served by the master-at-arms, (I believe named Reed,) who gives the rations to Quartermaster Vickings, and this latter brings the rations to the galley to be cooked by the cook, known by the name of "Charley;" that said cook, Charley, was not on board the Shenandoah on her arrival in the bay; he went on board since her arrival, and he told me he would join the ship as cook; that he dared not do it in the port, but that he would do it when proceeding outwards; that I also saw said cook take rations to a number of men who were concealed in the forecastle, who went on board since her arrival in Hobson's bay. That on Saturday, 11th February, 1865, when working and cleaning the Shenandoah, three boys, who came on board the Shenandoah since her arrival in this port, assisted in painting between decks, whereas the number of men so concealed (as mentioned above) worked on deck: that the said men, so concealed, in number about ten, received rations cooked in the same cooking apparatus and served in the same way as the regular crew on board; they eat out of the ship's plates in the forecastle, such as were used by the prisoners while on the cruise; that they sleep on board, one part in the forecastle, the other part between decks. That the cook, Charley, and another which I could identify if seeing him again, wore sometimes the ship's uniform. That on the 12th instant I left the Shenandoah on leave, and having joined her under intimidation, against which I hereby protest, I place myself now under the protection of the United States consul at Melbourne.

HERMANN WICKE.

Subscribed and sworn to, in duplicate, before me, this 14th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 36.]

Testimony of F. C. Behucke.

I, F. C. Behucke, of Lubec, in Germany, seaman, do declare on oath, that I shipped on board the American bark Alina, of Boston, at Newport, England, on the 5th of October, 1864, and sailed in said bark on the 6th of the same month, bound for Buenos Ayres; that nothing unusual occurred until the 29th of October, when a steamship neared us flying the English ensign, which was then lowered, another flag hoisted, and a blank shot fired to heave our

bark to; that the said bark hove to and was boarded by armed men from said steamship; that said armed men ordered the crew to take one bag of clothes and go on board said steamship; that all the crew of said bark did as ordered; that when I went on board said steamship I found eight guns mounted, on two of which guns I saw the words Sea King: that her crew consisted of twenty-three officers aft; that in addition to the above officers there were one gunner, two gunner's mates, four quartermasters, two cockswains, one boatswain, two boatswain's mates, two carpenters, one sailmaker, four firemen, one storekeeper, two coal trimmers, one master-at-arms; that Sea King was also on the bell forward and harness cask; that on going on board said steamship I was asked to join her, which I refused to do; that the master-at-arms was then called, who put me in irons and in the topgallant forecastle, along with the sheep and hens, where I was kept from Saturday, at three p. m., until Sunday night, at 11 p. m.; that to avoid such punishment, I consented to join said steamship, against which impressment I now protest; that after I came on board the steamship (which I heard called Shenandoah) she made eight captures, some of which were burnt, some sunk, and some bonded and let go; that I remained on board said steamship until Sunday, the 12th February, 1865, when I came on shore at Melbourne on liberty; that the only cannon fired while I was on board were the two guns that had Sea King marked on their aprons; that the said marks are not now on the said two guns; that all the prizes were hove to with said two guns; that before I left the said steamship I saw about ten men concealed in said Shenandoah. Some of said men told me they came on board to join. That several of the said men were at work with me on Saturday last, with the knowledge of the officers; that one of said men told me that he could not sign articles in this port, but was going to do so as soon as he got outside; that one man in the galley, who came on board at this port, wears the uniform and performs his daily duty in said uniform; that said man in the galley has been wearing the uniform for about eight or ten days; that I heard said man in the galley called Charley; that all the said men who came on board since we have arrived in Melbourne have been rationed from the said ship Shenandoah; that I have seen the master-at-arms serve out their provisions to Vicking; that after the provisions are cooked I have seen Quartermaster Vicking take it to them from the galley while concealed in the forecastle.

F. C. BEHUCKE.

Subscribed and sworn to, in duplicate, before me, this 14th day of February, 1865, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 37.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 15, 1865.

SIR: Having already forwarded to your excellency various affidavits taken before me relative to the Sea King, *alias* Shenandoah, in support of the protests I have had the honor to make to you, I now respectfully offer to your consideration the following summary of facts derived from that testimony, with my view of the law applicable thereto.

In October last the Sea King cleared from England, ostensibly for Bombay, loaded with coals, and, further, equipped with guns, sails, stores, &c., for a long voyage, crew ample, and, besides the regular officers of such a vessel, a lieutenant in the so-called confederate service.

Proceeding upon her cruise, she, after a few days, by a preconcerted arrangement, falls in with the Laurel, also from England, and receives from her, upon the high seas, a further armament, munitions, &c., and the remainder of her officers. This being done, the Sea King hauls down the British flag and hoists that of the so-called confederacy, assumes a new name, and commences *more active* hostilities upon the commerce of the United States. Continuing her cruise, after the destruction of several vessels, she enters this port, the first one since clearing from England, and drops anchor in Hobson's bay, flying the so-called confederate flag and styling herself the Shenandoah, a confederate vessel-of-war.

This voyage divides itself into two parts, yet all one cruise and one vessel—the former part rather a transport or storeship, still well capable of seizing unarmed vessels; the latter part rather an *armed* cruiser, yet with much to be done to render her really efficient.

This vessel cleared from England really with the intent to be employed against the United States, and was equipped in England to that end *Immediately* upon leaving she began the designed hostile cruise, equipped at the start, fully in some respects, (as with coals, two cannon, cordage, sails, extra propeller, &c., and an officer of the so-called Confederate States,) but rather as a storeship or transport, but in nearly all the cruise fully equipped to effect the intent with which she left England, and with that intent practically and repeatedly executed.

This vessel, equipped in England with the intent as stated, the intent absolutely perfected in the hostile cruise, (still in progress, and only here interrupted to make it more effective hereafter,) now lies in reach of British law. Is she an offender against the law?

This case differs in some respects from all the reported cases. A vessel has not been *built* for, nor (as we know) *sold* to, the so-called confederate government.

The difficulties which existed in the minds of two of the judges in the Alexandra case do not appear in this. The facts here bring this vessel within the condemnatory opinion of all the judges in that case. In that the charge of "transport or storeship" was stricken off, and the only remaining one was, substantially, "equipped with intent," &c. The arrest was made too soon to make the intent quite sure; a new hull, with only two or three things *argumentatively* pointed at as consistent only with guilty design. The chief baron had committed himself by his direction to the jury in that case, and yet he only insisted (the transport charge not applying) upon *some* equipment which would render this vessel more or less effective in a hostile cruise. Baron Bramwell agreed, substantially, not going so far; whilst Barons Channell and Pigot found against the Alexandra.

The facts, then, in this case, condemn the Sea King (Shenandoah) upon the law even of the Alexandra case, as laid down by all the judges. Here we find a "fitting out," an "equipment" of a vessel with "intent" to be employed as a "transport or storeship," and to cruise or commit hostilities against a friendly power. The "intent," the "fitting out," formed, done, in England; the vessels, in complement of the intent, actually fitted out and equipped, sailed from England, first, rather as a "storeship or transport" to furnish a more warlike cruiser with guns, coals, cordage, sails, &c., for a long cruise; and second, more fully equipped and officered, with a new name, destroying the commerce of the United States; the original equipment, thus augmented, done in complement of the same design, and as part, thereof. The original and more complete subsequent equipment, all one act in complement of the one intent and one purpose, began in England and perfected there to a certain and sufficient, but afterwards to a more complete extent, even yet not fully perfected, and here designed to be accomplished. Thus, then, "the intent to be employed," &c., is actually carried out, and the *offence*, in all its parts of purpose and execution, repeatedly committed; and now from this port, and with increased power, sought to be further repeated.

The law applicable to this offence extends to all parts of her Majesty's dominions. Her Majesty's officers of customs, &c., are duly armed with power to enforce it against the offending vessel.

Proceedings may be *in personam*, or *in rem*, or in both.

The offence, though committed in one part of her Majesty's dominions, may be punished in another part. From the nature of the misdemeanor, if it could be punished only in the *place* of the offence, the law would be nearly nugatory. Is it possible that an act declared to be unlawful, when done in *any* part of her Majesty's dominions, can only be inquired into in the jurisdiction of the place of the offence? If a vessel be fitted out against the law, in Sydney, must the authorities at Melbourne refuse to move when the offender comes to this port? Are criminals escaping from England not liable to arrest here? The act authorizes, in the same terms, officers of excise, customs, and officers of her Majesty's navy, in all parts of her Majesty's dominions, to execute the law upon persons and things. Is it to be said that, although the offence has been committed, the offenders and vessel are to go without challenge in all parts of her Majesty's dominions, except in the particular jurisdiction of the original offence? Upon what rule of law can such a strange doctrine be maintained, disregarding even the plain directions and most certain intentions of the act? For a crime inaugurated and continued is a perpetual offence; wrong from the beginning; wrong everywhere in the prosecution of the wrong; each new departure a new offence, with aggravation.

This vessel is not a legal cruiser of the so-styled confederacy. She is invested with no immunity, entitled to no consideration, by her *false* assumption. She is not to enjoy the advantages of her own wrong. Entering here, as everywhere in British ports, she is a wrongdoer, continuing and aggravating the original offence. Her entering here, intending to continue her illegal cruise, is, as against *this* jurisdiction, a new offence, which renders her amenable to the *local* jurisdiction.

Whether, then, we interpret the foreign enlistment act in the manner which its obvious intention almost absolutely requires, or in the manner suggested to me by the Crown law officers in a recent interview, in either case this vessel should be detained. For, if it be granted that the evidence presented would doubtless be sufficient to that end in England, then that evidence should be held sufficient to the same purpose here; because, upon the principle above referred to, this vessel, cruising into this port upon an illegal expedition against the United States and intending to continue that cruise, *is an offender here;* having gained no immunity by her pretended claim, she simply remains, by British law, an illegal and criminal rover of the sea, everywhere an offender against that law, and in every new port committing, as to the new jurisdiction, a new offence.

Your excellency will observe that in the foregoing I have confined myself to a view wholly taken from imperial law. I have urged nothing from a consideration of the law of nations, nor from the obligations of treaties. These, indeed, doubtless, her Majesty's neutrality proclamation and the foreign enlistment act only illustrate and enforce. Nor can they be interpreted apart without manifest injustice.

In trust, therefore, that, upon further reflection, your excellency will reconsider your decision regarding this vessel, against which I have felt constrained to protest so earnestly,

I have the honor to be, your excellency's most obedient servant,

[SEAL.] WILLIAM. BLANCHARD,
United States Consul, Melbourne.

His Excellency Sir CHARLES DARLING, K. C. B., &c.,
Governor of Victoria.

[Enclosure No. 38.]

POLICE DEPARTMENT, SUPERINTENDENT'S OFFICE,
Melbourne, February 15, 1865.

SIR: I have the honor to inform you that I arrested four men last night who were making their escape from the ship Shenandoah. They are now in the watch-house at Williamstown, and I shall feel obliged by your sending Madden, or some other person, who may possibly be able to identify them.

I have the honor to be, sir, your most obedient servant,

THOMAS LYTTLETON, *Superintendent.*

WILLIAM BLANCHARD, Esq., *American Consul.*

[Enclosure No. 39.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 17, 1865.

SIR: I received information yesterday from Mr. J. McFarlane, emigration officer, in reply to an inquiry, that the Shenandoah was taking in three hundred tons coal in addition to the quantity she had on board when she came into this port, which I learn was about four hundred tons, from a ship then alongside of her in the bay.

The Shenandoah is a full-rigged sailing vessel—steam is only auxiliary with her; and I cannot believe your excellency is aware of the large amount of coal now being furnished said vessel.

I have the honor to be your excellency's most obedient servant,

[SEAL] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency Sir CHARLES DARLING, K. C. B., *&c.*
Governor of Victoria.

[Enclosure No. 40.]

Statement of Michael Cashmore.

I, Michael Cashmore, of Melbourne, do solemnly declare: That on or about the second day of this month (February) I went, in company with Mr. Lawrence Cohen, of the firm of Cohen Bros., of this city, on board the confederate steamship Shenandoah, lying in Hobson's bay; that while walking in the between-decks I was hailed by name by a man in the uniform of the ship, who was sitting with other sailors taking soup. I recognized the man to be a late digger at Scarsdale. I asked him, "Halloo! how came you here?" He said, "I joined them this morning." I asked him if he thought it a better game than gold digging. He replied, "The pay is nothing to boast of; but there is a chance of making a good deal in the shape of prize-money" I said, it is a great change, and wondered how he would be able to stand it. He said, "it was nothing new, as he had been many years on board a British man-of-war." I have known this man several years, and believe him to be a Cornishman. I do not know his name, but I can readily identify him. Mr. Lawrence Cohen was near me during this interview, and can no doubt confirm this my statement.

[SEAL.] MICHAEL CASHMORE.

Witness:
WILLIAM BLANCHARD, *United States Consul.*

MELBOURNE, *February* 16, 1865.

[Enclosure No. 41.]

Affidavit of John B. Sydserff.

I, John B. Sydserff, master of the brig Spee, of Melbourne, now in Hobson's bay, do solemnly declare: That about fourteen days ago I went on board the Shenandoah with a view to purchase a chronometer; that I inquired if the commanding officer was on board, and if he had any chronometers for sale; that I was then directed to a person in the uniform of an officer, who said he had; that said officer gave me choice of five or six; that I selected one, "numbered 960. Fletcher, Pentonville, London," for which I paid fifteen pounds sterling; that I paid the purchase-money to a person in the uniform of an officer of said Shenandoah in the cabin of said ship; that I have a bill and receipt, but not with me at present.

J. B. SYDSERFF.

Subscribed, in duplicate, before me, this fifteenth day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 42.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 17, 1865.

SIR: I beg leave to call your excellency's attention to the affidavits of John Williams, Walter J. Madden, Hermann Wicke, and Charles Behucke, the four impressed seamen from the Shenandoah, heretofore forwarded to you, showing that there have been shipped some ten or twenty persons on board said Shenandoah while in this harbor.

I also forwarded yesterday to the honorable the attorney general a solemn declaration of Michael Cashmore, a highly respectable citizen of this place, showing that some fifteen days ago he was hailed by name by a person in uniform on board said vessel; that said person who hailed him was a late digger at Scarsdale, in this colony; that said person informed him he had joined that day, and that said person was taking his meals on board with the other sailors. Mr. Cashmore has informed me that neither of the four men who were arrested while escaping from said Shenandoah was the man who hailed him on board said ship.

I also left with the attorney general a solemn declaration of John B. Sydserff, master of the beig Spee, of Melbourne, now lying in Hobson's bay, showing the sale of chronometers by the officers of said vessel while in this port, said chronometers being "prize," and the sale in violation of her Majesty's proclamation.

I am compelled to protest against said vessel being allowed to depart with men furnished her in this port, whether the men are British subjects or others.

And I again protest against the aid and comfort now being extended said vessel in this port.

I have the honor to be your excellency's most obedient servant,

[SEAL.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency Sir CHARLES DARLING, K. C. B.,
Governor of Victoria.

[Enclosure No. 43.]

Testimony of Andrew Forbes.

I, Andrew Forbes, residing in Murphy's Cottages, Sandridge, do declare on oath: That at about 4 o'clock this day, while on the railway pier at Sandridge, I saw Thomas Evans, Robert Dunning, Charles Bird, William Green, and little Sam, all inhabitants of Williamstown, most if not all of them British subjects, standing on the pier, dressed better than usual; that I said to Thomas Williams, "What are you a:l doing over here;" that after some further conversation said Thomas Evans said, "I suppose I need not be frightened to tell you;" said Evans then told me that he was going on board the bark Maria Ross (then lying in the bay ready for sea) with the others in his company to join the Shenandoah when said Shenandoah got outside the Heads; that the boats from the Maria Ross were to come to take them on

board at 5 o'clock. He also said that there were many more besides his party going the same way.

ANDREW FORBES.

FEBRUARY 17, 1865.

Subscribed and sworn to, in duplicate, before me, this 17th day of February, 1865, as witness my hand and seal of office.

[SEAL.] WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 44.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 18, 1865.

SIR: I have the honor to enclose to your excellency the affidavit of Andrew Forbes, relative to the intending departure from this port of certain persons named therein to join the Sea King *alias* Shenandoah, in violation of her Majesty's neutrality proclamation.

Mr. Forbes came to my office at about 5 o'clock p. m. yesterday. Seeing the necessity of immediate action in the matter, I took him at once to the Crown law offices to lay information before the Crown solicitor, where I had previously been directed in a communication from the office of the attorney general. of February 11, 1865, to take a witness.

It is with regret that I have to call your excellency's attention to the fact that while there, in my official capacity, I was most grossly insulted, by language and manner, by Mr. Gurner, Crown solicitor, who positively refused to receive the information I was prepared to lay before that department of the Crown. In consequence of which, I conceive the ends of justice have been defeated and the neutrality of this port violated.

It is hardly necessary to acquaint you that I deem it my duty to send to my government a copy of this despatch.

I have the honor to be your excellency's most obedient servant,

[L. S.] WILLIAM BLANCHARD,
Consul of the United States of America.

His Excellency Sir CHARLES DARLING, K. C. B., *&c.*,
Governor of Victoria.

[Enclosure No. 45.]

PRIVATE SECRETARY'S OFFICE, *February* 17, 1855.

SIR: I am desired by his excellency the governor to acknowledge the receipt of your letter of this date, and to acquaint you, in reply, that a ship-of-war of either belligerent is, under her majesty's instructions, allowed to take in coal sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination.

I have the honor to be, sir, your most obedient servant,

[SEAL.] H. L. WARDE, *Private Secretary.*

WILLIAM BLANCHARD, Esq., *Consul for the United States.*

[Enclosure No. 46.]

UNITED STATES CONSULATE, MELBOURNE, *February* 18, 1865.

DEAR COLLEAGUE: I have received reliable information that the Shenandoah, who has just left this port, is about to visit some of the quiet bays in your island. The officers of said vessel have been searching for a pilot who is acquainted with your coasts and bays. My opinion is, that she intends coming there with a view to complete her equipment, she having much yet to do to make her formidable. She cannot fight the guns she has on board. Be therefore on the alert.

Yours, respectfully,

WILLIAM BLANCHARD, *U. S. Consul.*

D. MCPHERSON, Jr., *U. S. Vice-Consul, Hobart Town.*

[Enclosure No. 47.]

PRIVATE SECRETARY'S OFFICE, *February* 20, 1865.

SIR: I am directed by his excellency the governor to acknowledge your letter of the 15th, and to inform you that his excellency is advised that it furnishes no ground for an alteration of the views respecting the presumed character of the ship Shenandoah, which have been already communicated to you.

I have the honor to be, sir, your most obedient servant,

H. L. WARDE, *Private Secretary.*

WILLIAM BLANCHARD, Esq., *United States Consul.*

[Enclosure No. 48.]

MELBOURNE, *February* 20, 1865.

SIR: Will you please give me, in writing, an account of my interview, held in your presence, with the Crown solicitor, Mr. Gurner, on Friday last, and oblige, yours,

[L. S.] WILLIAM BLANCHARD, *U. S. Consul.*

SAMUEL P. LORD, Esq.

[Enclosure No. 49.]

MELBOURNE, *February* 20, 1865.

DEAR SIR: Yours of this date is received, requesting me to give you an account of an interview held in my presence between you and Mr. Gurner, Crown solicitor, on Friday last. In reply you must allow me to state the whole occurrences of the afternoon in connexion with the affair of shipping men for the Shenandoah, which were simply these: While in your office, about five o'clock p. m., a man came in out of breath, asking to see the United States consul, saying he had ran most of the way from Sandridge to report to you that there were a large number of men of his acquaintances that were about going on board the bark Maria Ross, (then lying in the bay ready to sail,) with the intention of shipping on board the Shenandoah, which vessel also was about leaving port. You stated that as the information was important and urgent, you would at once take the man to the Crown solicitor's office, where you had previously been directed by the attorney general to take similar information. You at once took a conveyance and drove to the Crown law office. As we stopped at the gate we saw Mr. Gurner, with one of the employés of the office, coming down the yard from the door. He on seeing us turned partly around and gave in an undertone some direction to this employé, which I did not her. On our entering the gate Mr. Gurner and this employé stopped half way down the yard, and on our attempting to pass them to go into the building, was accosted by the clerk, who said there was no one in, or something to that effect. When I said we should then have to trouble Mr. Gurner, as the business was urgent, and introduced you as the United States consul to Mr. Gurner, the Crown solicitor, he, without noticing or acknowledging you, said very tartly that he was going to his dinner and could not be detained; when you replied, "I come as the representative of the United States with evidence to lay before you, the Crown solicitor, of a large number of men about violating the neutrality laws of the country;" at which he replied, in a sneering and most insulting manner, "I don't care; I want my dinner, and I am going to have it; there are plenty of magistrates round town—go to them;" when I, seeing that you felt bitterly the insulting manner of Mr. Gurner, and wishing to spare you a continuation of it, said, "Let us then go and see the attorney general." Mr. Gurner turned his back on us and walked off. When outside the gate and about a dozen paces down Collins street he turned and hallooed out, "My dinner, my dinner, Lord; that is what I want." We left, and went first to the office of chief commissioner of police, and not finding either him or Mr. Lyttleton in, we drove to the houses of Parliament, and on sending your name to the attorney general, he at once came out and asked us into the side room. He patiently listened to all you had to say, and then suggested that if you would place the matter in the shape of an affidavit he would lay it before his colleagues; that a verbal statement was not sufficient for the government to proceed upon. We then left and drove to the office of the detective police and saw Mr. Nicholson, the chief, who heard the man's statement in full, but as he could not act without a warrant, advised us to go to the police magistrate, Mr. Sturt, and get a warrant; then he would at once act upon it. Leaving there we went to the residence of Mr. Sturt, in Spencer street, who received you very politely, listened to what you had to say, examined the man, but stated that he could not take the responsibility of granting a warrant on the evidence of this man alone, and advised your going to Williamstown to Mr. Call, who perhaps would be in possession of corroborative testimony through the water police. We then left, and it being about half past seven, and you finding such a disinclination in any one to act in the matter, decided to take the deposition yourself and send it to the attorney general, leaving it to the government to take such

›n on it as it might deem proper. Going to your consulate, the deposition was taken and py enclosed to the attorney general, with a request for me to deliver it. I took it to the ›es of Parliament, which I found closed, and it being then late, about nine, I decided it too late to stop the shipment of the men, as we understood the vessel was to leave at five, I· went home and returned the letter to you on Saturday morning. Previous to going e, however, I again went to the detective office, saw Mr. Nicholson, and told him how you been prevented from getting the evidence before the government in the shape they re-ed it. He expressed his regret, but could not act in so important a matter without a war-.

›ave thus given you, as near as I can recollect, the occurrences as they took place at the you mention, and, as I believe, nearly word for word as they were uttered.

I remain, dear sir, yours respectfully,

SAMUEL P. LORD.

'ILLIAM BLANCHARD, Esq.,
United States Consul, Melbourne.

[Enclosure No. 50.]

PRIVATE SECRETARY'S OFFICE,
Melbourne, February 21, 1865.

R: I am desired by his excellency the governor to acquaint you that he received your r of the 18th instant, in the afternoon of that day, Saturday, and that on Monday, the , he caused it to be referred, through the honorable the attorney general, to the Crown so-›r for any explanation he might wish to offer.

After stating that it was only in consequence of his accidentally returning to his office ılf past five o'clock p. m., after it had been closed for the day, that the interview be-n you and himself occurred at all, Mr. Gurner states that he informed you that, not g a magistrate, he could not take an information, and adds that he was in a hurry to a railway train, and therefore left more suddenly than he otherwise should have done; he positively asserts that neither in manner or language did he insult you.

His excellency feels sure that the Crown solicitor's tone and manner have been misap-ended, and confidently assures you that there was no intention on the part of that officer il in the respect due to your position as the consul of the United States of America.

I have the honor to be, sir, your most obedient, humble servant,

H. L. WARDE, *Private Secretary.*

ILLIAM BLANCHARD, Esq.,
Consul for the United States, &c., &c., &c.

[Enclosure No. 51.]

[From the Argus of February 17, 1865.]

The Shenandoah affair.

e complications in which the confederate war steamer Shenandoah is involved have, it ıe, been brought to an end, so far as practical interference with the vessel is concerned, he political and moral questions have been by no means unravelled. Some correspondence h we print below will throw a little light on the affair, and perhaps enable our community rm an opinion for themselves as to the action taken by our local government. The points in dispute can hardly be succinctly stated, but arise in the course of the various derations involved. But we must first give a history of what has not yet reached our ›rs.

ednesday morning, it will be remembered, found the ship still on the government slip, nanager of the slip refusing to obey the express instructions of her captain to have her ›hed, giving as his reason that he was ordered by the government not to let the launch ›ed. The slip was then in the hands of police, whose instructions were to prevent its for the launch of the Shenandoah "at all hazards." On the previous evening Captain dell had received a letter from the commissioner of trade and customs for Victoria, inti-ng that the facilities hitherto afforded the Shenandoah would be suspended on account › alleged refusal by the commander to allow a magistrate's warrant for the arrest of one arlie," said to be on board, to be executed. To that letter the captain replied with another ing that the execution of the warrant had been refused, and stating that permission to olice to search the ship had been denied as contrary to the dignity of the confederate that the vessel had been searched twice, and no "Charlie" found; and that absolutely

no one had been shipped in these waters; and finally, protesting against any obstruction which would cause the detention of the vessel. On Wednesday morning, then finding his vessel still fast on the cradle of the government slip, and that the government had taken measures to prevent its removal, Captain Waddell sent his second lieutenant to Mr. Francis with this letter:

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 15, 1865.

"SIR: I am informed by the manager of the slip, upon which the Confederate States steamer Shenandoah now rests, that the slip has been seized by authority from his excellency the govenor to prevent the launching of the Confederate States steamer Shenandoah, which, of necessity, is a seizure of the vessel under my command. I therefore respectfully beg to be informed if this seizure is known to his excellency the governor, and if it meets his approval.

"Very respectfully, &c.,

"JAMES J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"Hon. the COMMISSIONER OF TRADE AND CUSTOMS."

At 2 p. m. the same day a proclamation (published in yesterday's Argus) was made by his excellency the governor, revoking the "suspension of facilities" so far as the launch was concerned, and the following letter was addressed to Captain Waddell:

"CUSTOM HOUSE, MELBOURNE. *February* 15, 1865.

"SIR: In acknowledging your letters of yesterday's date, and also in reply to your communication of this morning, I am instructed by his excellency the governor to inform you that the lessee of the patent slip having reported that the safety of the ship Shenandoah may be endangered by her present position on the slip, the suspension of permission to British subjects to assist in launching the ship is withdrawn; while the further matters referred to in your letters are under consideration, and will be replied to with as little delay as possible.

"I have the honor to be, sir, your obedient servant,

"JAMES G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

Accordingly the vessel was launched and taken to a spot midway between Williamstown and Sandridge, where she now lies. At a late hour, after eleven o'clock that night, the following letter was received by the commander of the Shenandoah:

"CUSTOM HOUSE, MELBOURNE, *February* 15, 1865.

"SIR: I am directed by his excellency the governor to further acknowledge your communications of the 14th and 15th instant, in which, alleging that the vessel under your command had been seized, you ask whether the seizure is known to his excellency the governor, and if it meets his approval.

"I am to inform you, in reply, that this government has not directed or authorized the seizure of the Shenandoah.

"The instructions to the police were to see that none of her Majesty's subjects in this colony rendered any aid or assistance to, or performed any work in respect of, your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date, in regard to a British subject being on board your vessel, and having entered the service of the Confederate States in violation of the British statute known as the foreign enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by her Majesty's subjects.

"In addition to evidence previously in possession of this government, it has been reported by the police that about ten o'clock last night four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water police.

"It appears from the statements of these men that they were on board your vessel both on Monday and Tuesday, the 13th and 14th instant, when their presence was denied by the commanding officer in charge, and by yourself subsequently, when you declared that there were 'no persons on board this ship except those whose names are on our shipping articles.' This assertion must necessarily have been made by you without having ascertained for yourself by a search that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

"Referring to that portion of your communication of the 14th instant in which you inform his excellency the governor 'that the execution of the warrant was not refused, as no such person as the one therein specified was on board,' I am in a position to state that one of the four men previously alluded to is ascertained to be the person named in the warrant.

"I am also to observe that, while at the moment of the despatch of your letter it may be rue that these men were not on board the Shenandoah, it is beyond question that they were on oard at the time it was indited, your letter having been despatched at five minutes before ten 'clock.

"It thus appears plain, as a matter of fact, that the foreign enlistment act was in course f being evaded.

"Nevertheless, as the only person for whose arrest a warrant was issued has been secured, nd as you are now in a position to say, as 'commanding officer of the ship, and on behalf f your government, whose faith is pledged by the assurance, that there are no persons on oard this ship except those whose names are on our shipping articles, and that no one has een enlisted in the service of the Confederate States since my arrival in this port,' his xcellency the governor has been pleased to revoke the directions issued yesterday suspending ermission to British subjects to aid and assist you in effecting the necessary repairs and aking in supplies.

"I am to add, it is expected you will exercise every despatch, so as to insure your departure y the day named in your first letter of yesterday, viz., Sunday next.

"I have the honor to be, sir, your obedient servant,

"JAS G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

It was too late to reply that night, but the next morning the following reply was forwarded o the government:

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*Hobson's Bay, February* 16, 1865.

"SIR: I am in receipt of your communication of yesterday's date, and desire to convey, hrough you, to his excellency the governor my appreciation and thanks for his observance f the rights of belligerents; and further to assure his excellency the governor that every espatch is being made by me to get the Shenandoah to sea at the earliest possible moment.

"The four men alluded to in your communication are no part of this vessel's complement f men; they were detected on board by the ship's police after all strangers were reported ut of the vessel. and they were ordered and seen out of the vessel by the ship's police immediately on their discovery, which was after my letter had been despatched informing his xcellency the governor that there were no such persons on board. Those men were here rithout my knowledge, and I have no doubt can be very properly called stowaways, and uch they could have remained but for the vigilance of the ship's police, inasmuch as they vere detected after the third search; but in no way can I be accused, in truth, of being ognizant of an evasion of the foreign enlistment act.

"In conclusion, sir, allow me to inform you that I consider the tone of your letter remarkably disrespectful and insulting to the government I have the honor to represent, and that I hall take an early opportunity of forwarding it to the Richmond government.

"Very respectfully, &c.,

JAMES J. WADDELL,
"*Lieutenant Commanding, C. S. N.*"

Hon. the COMMISSIONER OF TRADES AND CUSTOMS.

In consequence of the permission granted in Mr. Francis's last letter, coaling was proceeded with, and yesterday over two hundred tons and a quantity of stores were put on oar d. Officers and men were all intensely busy, and coal-dust seemed to fill the atmosphere. t will take at least two days more to properly complete the stores, but yet it is not absolutely ertain that Captain Waddell will wait for that.

Before quitting the subject, it will be well to give a few statements in respect to the aspect f affairs. It is evident, from Mr. Francis's last letter, that the government claim to have ermitted the launch because "Charlie" had been taken, while Captain Waddell claims that uch a course was forced on them by his threat to accept the detention of the vessel on the overnment slip as a seizure. This is certainly a moot point. Captain Waddell's explanaion of "Charlie's" discovery is, to say the least, a highly natural one, especially as the fact f the arrest of the four men does not appear to have reached the Shenandoah, so jealously s she guarded, till Wednesday night. He says that a remark made by one of his men, and eported to him after it had gone through several hands, first aroused his suspicion that the wo searches made had not been complete. One of the men had been heard to say that he new where a man was, and thereupon a third search was ordered, and the four men disovered. They were ordered ashore directly, Captain Waddell not thinking it worth while to and them over to the police, seeing that the men were sent into the waterman's boat under he nose of the water police, and that rows of armed constables flanked the vessel on each ide and patrolled on long platforms running within ten feet of the ship. In his last letter e has, in his opinion, closed his correspondence with the government, and to his friends he as asserted that in the whole course of his twenty-one years' experience in the navy of his ountry he never knew of communications on these subjects between a vessel-of-war and

no one had been shipped in these waters; and finally, protesting against any obstruction which would cause the detention of the vessel. On Wednesday morning, then finding his vessel still fast on the cradle of the government slip, and that the government had taken measures to prevent its removal, Captain Waddell sent his second lieutenant to Mr. Francis with this letter:

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"I am to inform you, in reply, that this government has not directed or authorized the seizure of the Shenandoah.

"The instructions to the police were to see that none of her Majesty's subjects in this colony rendered any aid or assistance to, or performed any work in respect of, your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date, in regard to a British subject being on board your vessel, and having entered the service of the Confederate States in violation of the British statute known as the foreign enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by her Majesty's subjects.

"In addition to evidence previously in possession of this government, it has been reported by the police that about ten o'clock last night four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water police.

"It appears from the statements of these men that they were on board your vessel both on Monday and Tuesday, the 13th and 14th instant, when their presence was denied by the commanding officer in charge, and by yourself subsequently, when you declared that there were 'no persons on board this ship except those whose names are on our shipping articles.' This assertion must necessarily have been made by you without having ascertained for yourself by a search that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

"Referring to that portion of your communication of the 14th instant in which you inform his excellency the governor 'that the execution of the warrant was not refused, as no such person as the one therein specified was on board,' I am in a position to state that one of the four men previously alluded to is ascertained to be the person named in the warrant.

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Nevertheless, as the only person for whose arrest a warrant was issued has been secured, as you are now in a position to say, as 'commanding officer of the ship, and on behalf 'our government, whose faith is pledged by the assurance, that there are no persons on rd this ship except those whose names are on our shipping articles, and that no one has n enlisted in the service of the Confederate States since my arrival in this port,' his ellency the governor has been pleased to revoke the directions issued yesterday suspending mission to British subjects to aid and assist you in effecting the necessary repairs and ıng in supplies.

I am to add, it is expected you will exercise every despatch, so as to insure your departure the day named in your first letter of yesterday, viz., Sunday next.

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anybody but the representative of the imperial government. It is not improbable that, had the communications been between the commander and his excellency, Mr. McCulloch would scarcely have ventured on his assertion to the legislative assembly, that a foreign vessel-of-war had been "ordered" to leave the port.

[Enclosure No. 52.]

[From the Herald of February 20, 1865.]

The confederate cruiser Shenandoah left Hobson's bay at about 6 a. m. on Saturday, and was seen during the afternoon outside the Heads by the schooners Sir Isaac Newton and Zephyr. She steamed up to the former, and hoisted an English ensign, which on being answered with a like flag she stood off again; when the Zephyr saw her at a later hour of the day she was hove to off Cape Schanck. Several rumors are afloat that the Shenandoah shipped or received on board somewhere about eighty men just prior to leaving. We have since been informed that she took away a large number, but not equal to that above stated.

[From the Argus of February 20, 1865.]

We may now speak of the confederate war steamer Shenandoah as something that has come and gone. With all the sympathy we may have had with her as the representative of those who are gallantly fighting against long odds, she, in the fulfilment of a warlike errand, was most unwelcome in our still peaceful port, and we are unfeignedly glad of her departure. She left before the time named to our local government by her commander when a demand was made that the period of her leaving should be fixed at as early a date as was possible; but Captain Waddell was anxious to be better than his word. Before the detention on the government patent slip he promised to be away, if possible, by Sunday, and by dint of working double tides, night and day, he managed to steam away shortly after daybreak on Saturday last. At first she started at half-speed, and fired a gun or so to give notice of her departure; but nothing followed, and we are informed that she passed Gellibrand's Point at full speed, and was quickly out of sight. Her machinery was little more than patched up, for it was nearly imperative that the pinion nearest the screw-shaft should be renewed, but Messrs. Langlands & Co. made "a good job" of their repairs, and the ship has consequently considerable speed. Our latest news of her represents her as having cleared the Heads at noon, steering southwest for about twenty miles, when she altered her course to south, and was lost sight of in thick mist at half past two p. m. Of the various ridiculous stories that are told of the circumstances that attended her departure, we shall only contradict one, viz., the reported arrival on board, at two on Saturday morning, of Captain Semmes, late of the Alabama, said to have arrived under a feigned name in the Great Britain. That remarkably enterprising and gallant commander is, we are informed by those most likely to know, by this time in the Confederate States; his health having been seriously impaired by the energy and zeal which characterized the performance of his mission, and the effects of his submersion after the engagement between the Alabama, C. S. N., and the Kearsarge, U. S. N. It is not to be denied, however, that during Friday night a large number of men found their way on board the Shenandoah, and did not return on shore again. It is not improbable yet that we shall have further news of the Shenandoah.

[From the Herald of February 20, 1865.]

The confederate ship Shenandoah, Captain Waddell, got up steam and left Hobson's bay at 6 o'clock on Saturday morning. During her stay in port several repairs have been effected, and a quantity of provisions and coals have been shipped. There is no doubt that she has taken away with her several men from this colony; report says eighty, but that is probably an exaggeration. The neglect of the attorney general in not replying to Captain Waddell's question as to the extent of the neutral limit has apparently absolved that commander from responsibility so far as carrying on hostile operations outside Port Phillip Heads is concerned, for according to our shipping report the Shenandoah steamed up to the schooner Sir Isaac Newton evidently with the intention of overhauling her had she happened to be a Yankee vessel.

[From the Age of February 20, 1865.]

The Shenandoah left Hobson's bay at six o'clock on Saturday morning. It is currently reported that she shipped some eighty men just prior to leaving. At a late hour on Saturday she was hove to off Cape Schanck.

The police on Saturday received the following information relative to an attempt made to enlist men for the confederate service on board the confederate steamer Shenandoah. About half past four o'clock on Saturday afternoon a man, who gave his name and address as George Kennedy, 125 Flinders lane east, called at the police office, in Russell street, and stated that,

having seen an advertisement in the *Argus*, he called on the advertiser, "Powell," with whom was another man, whose name he did not know. He remained in their company for several hours, during which time they supplied him with drink, and endeavored, by every kind of persuasion, to induce him to join the confederate service on board the Shenandoah, for which purpose they also conducted him to the wharf, and desisted from their efforts only when he openly stated his intention of reporting the matter to the authorities. Kennedy further stated that, when the men were using their endeavors to get him to join the Shenandoah, there were several other persons present who accepted their offers, and whom he now believes to be on board that vessel. A warrant has been issued by the Melbourne bench for the apprehension of the offenders.

[Enclosure No. 53.]

Newspaper extracts, &c.

[From the Herald of January 26, 1865.]

A CONFEDERATE WAR STEAMER IN HOBSON'S BAY.

Considerable interest was manifested yesterday morning in the city by an announcement posted at the telegraph office that the auxiliary screw steamer Royal Standard had been signalled off Cape Otway after an extraordinary run of fifty-two days from Liverpool. The news was speedily promulgated through the city, and the arrival of the vessel in Hobson's bay was anxiously looked forward to. Late in the afternoon, when the steamer had arrived at Port Phillip Heads, a telegram was received by the chief secretary announcing that the steamer reported was not the Royal Standard, as supposed, but the confederate man-of-war Shenandoah, of eight guns. The vessel at once proceeded up the channel and anchored in the bay, at a few minutes before seven o'clock, flying the confederate flag. The intelligence that a vessel of the confederate navy had arrived in our waters was speedily made known, and several boats put off to the Shenandoah, but Captain Waddell, the commander, positively declined to allow any person to come on board until such time as he had communicated with the shore. As soon as possible Lieutenant Grimble, one of the officers, was despatched to Toorak, to wait upon his excellency the governor and request that the vessel might remain for a certain period in neutral waters, for the purpose of coaling and repairing her machinery. The Shenandoah is a steam-vessel of 1,160 tons, 240 horse-power, and carries eight large guns. She is commanded by Captain James Waddell, and the following is a list of her officers: Lieutenants W. C. Whittle, John Grimble, J. S. Lee, F. T. Chew, D. M. Scales; master, J. M. Bullock; chief engineer, M. O'Brien; surgeon, C. E. Lining; acting paymaster, W. B. Smith; passed midshipmen, O. A. Brown and J. T. Mason; assistant surgeon, F. J. M'Nulty; assistant engineers, W. H. Codd, J. Hutchinson, E. Muggofeny; master's mates, C. E. Hunt, J. F. Miner, L. Calbon; boatswain, G. Harwood; carpenter, J. O'Shea; gunner, J. L. Guy; sailmaker, Henry Alcatt; second carpenter, John Lynch. In addition to these officers she has a crew of seventy-five men. The Shenandoah has been at sea since the 15th of October last, and during that time she reports having captured and burnt no less than eleven federal merchantmen. The crew of the Shenandoah has been partly made up from the men on board the various prizes. The men are a fine and determined looking set of fellows. The uniform worn is a sort of yellowish gray, with a shoulder-strap of blue silk bearing a single star, surrounded by a thin gold cording. The cap is also gray, with a broad gold band. The Shenandoah, we believe, has been off the Australian coast for the last ten days, and on her arrival off the Otway yesterday she failed to run up any colors, as the captain did not wish to be reported by the vessels going out. We believe that under a recent proclamation the Shenandoah will not be allowed to remain in the port more than forty-eight hours.

[From the Argus of February 23, 1865.]

Since October last the history of the Shenandoah has been an eventful one. There is no doubt she is identical with the Chinese Clyde-built steam clipper Sea King, noted for her speed, and which, when she brought troops to Auckland last year, made one of the shortest trips on record. As far as we can gather, the transformation of an English merchant steamer into a Confederate States man-of-war took place thus: The Laurel—blockade runner—started from Liverpool with a cabin full of "likely-looking young men," as the pilot called them, on the 8th of October last, and Friday, the 14th, saw her in Funchal bay, Madeira. The "passengers" did not go on shore, and were believed by the Madeira folks to be "Polish emigrants." Three days afterwards a large steamer, ship-rigged, steamed in and then out the harbor, the Laurel following to the east side of the island, both flying British colors. Here, it is said, the strange ship was purchased for £45,000, and the passengers and cargo of the Laurel transferred to her. The Laurel then went her way, and the strange steamer stood out to sea, none of the packages brought by the Laurel being broken. When beyond the

neutral marine league from shore Captain Waddell summoned the men aft and read his commission as commander of the confederate sloop-of-war Shenandoah, ordered to cruise and destroy the enemy's commerce. At that time twenty-five men constituted the whole crew, a number which, deducting officers, left five men to each watch. To put his ship in order and arrange its armament were the first things Captain Waddell set about doing. Sailing by day and steaming by night, the ship, now called the Shenandoah, was taken to a quiet place in the "trades," and then, comparatively secure from the enemy's cruisers, men and officers set to work with a willing mind to get her into trim. This done, the Shenandoah entered into her functions, selecting for her cruising ground the track of vessels bound for the South American ports. Success attended her. Her plan was, when she crossed a vessel, to show English or French colors and fire a gun; after which, if the other proved to be a Yankee, she was taken and destroyed, and her captain and crew made prisoners. The following is a correct list of the vessels captured and destroyed by the Shenandoah:

Alina, bark. Staples, master, from Akyab to Buenos Ayres, cargo of railway iron. Scuttled 29th October, latitude 16° 47′ north, longitude 16° 43′ west.

Charter Oak, schooner, Gillman, master, from Boston for San Francisco, assorted cargo. Burnt 5th November, latitude 7° 38′ north, longitude 27° 49′ west.

D. Godfrey, bark, Hallet, master, from Boston to Valparaiso, assorted cargo. Burnt 7th November, latitude 6° 28′ north, longitude 27° 6′ west.

Susan, brig, Hansen, master, from New York to river Platte. Scuttled 10th November, latitude 4° 20′ north, longitude 26° 39′ west.

Kate Prince, for Bahia, neutral cargo, (coals.) Ship bonded 12th November.

Adelaide, bark, of Baltimore, to river Plate, neutral cargo. Ship bonded for $23,000.

Lizzie M. Stacey, schooner, New York to Sandwich Islands, assorted cargo. Burnt 13th November, latitude 1° 40′ north, longitude 28° 24′ west.

Edward, whaling vessel. Burnt 4th December, latitude 37° 47′ south, longitude 12° 30′ west.

Delphine, bark, from London for Akyab. Burnt 29th December, latitude 29° 10′ south, longitude 69° east.

The larger portion of the sailors taken prisoners volunteered to join the Shenandoah, and were accepted; the remainder, all but a few, were transshipped to other vessels met with on the high seas. The remnant were eight men, besides Captain Nichols, of the Delphine, and his wife and stewardess, who were brought hither. Unassisted, but unimpeded, they made their way out of the Shenandoah very shortly after the vessel's arrival in Hobson's bay, and before the permission to land them, for which application was made to the government, could be afforded.

* * * * * * * * * * *

About this time, and in answer to a hint from the government respecting the need of an early departure, Captain Waddell addressed the government thus, in one of his letters:

"I am extremely anxious to get the Shenandoah to sea. The procrastination by the parties employed under his excellency the governor's permission for the necessary repairs to this ship seems to me unnecessary; and if I appeal to his excellency the governor for further instructions to those employed to hurry up the work on this ship, I hope his excellency the governor will see in it the spirit of a law-abiding man, and one impatient to be about his country's business."

The government by their action appeared to admit the necessity of the delays, and not till twelve days after the ship had been in port, asked that a day should be named for her departure. Captain Waddell again replied that the delays were caused by the difficulty of getting the vessel on the slip, and the notorious effects of some severe gales, which once caused the Shenandoah to get adrift, and nearly occasioned very serious damage. These reasons were apparently admitted to be good, and eventually, on the 14th of February, Captain Waddell announced to Mr. Francis that he expected to get to sea by the Sunday following. Hitherto the only public expression of ill feeling emanated from Mr. Berry, a member of the lower house of legislature. In his place in the legislative assembly he called the attention of the government to the subject, stating that the Shenandoah, being in reality the Sea King, and an English vessel, should be seized under the neutrality proclamation. In reply the chief secretary pointed out that there was nothing which could be accepted as proof of the honorable member's assumption, and Mr. Berry received an unmistakable snubbing at the hands of several other members of the house, including Mr. O'Shanassy, whose remark that Mr. Berry might as well have let the matter alone was cheered in all parts of the house.

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The instructions given to the police will be best described in the following telegram:

"*Telegram from Mr. F. C. Standish, chief commissioner of Victoria police, to Mr. Beaver, police inspector, stationed at Williamstown.*

"I have to direct that you communicate with Mr. Chambers, the lessee of the patent slip, that the governor in council has given directions that he and all other British subjects in this colony at once desist from rendering any aid or assistance, or perform any work, in respect to said classed confederate ship Shenandoah, or in launching the same. You will a

once proceed with the whole of the police at your disposal to the patent slip and prevent, at all risks, the launch of the said ship. Superintendent Lyttleton and fifty men, also fifty of the military, proceed at one to Williamstown, telegraphing anything that may occur direct to me.

"F. C. STANDISH.

"TUESDAY, 14, 1865."

The military—fifty men of the royal artillery—started, but were countermanded. When affairs were at this stage Captain Waddell received a letter from Mr. Francis, on behalf of the government, charging him with having refused permission to execute the warrant, and calling upon him to reconsider his determination, pending which the permission granted to repair and take supplies was suspended. Captain Waddell at once replied that the execution of the warrant had not been refused, but only permission to search the ship, whose deck represented the majesty of the flag that flew over it. He added, moreover, that the shipping articles had been exhibited to show that no one had shipped while the vessel was in port, and that he had ordered two commissioned officers to search the ship, but they had found no strangers. He concluded by entering, in the name of his government, his solemn protest against any obstruction that would cause the detention of his ship. The day's proceedings were closed by the captain giving orders for the launch of his ship early next morning.

An episode occurred here that belongs to this narrative. At a few minutes after nine p. m. on that evening, the police, who were stationed all round the vessel and within a very few yards of her, saw four men come down the gangway into a boat alongside. The water police close by followed this boat, which was rowed swiftly away, but the end was that the four men were arrested on shore and subsequently identified by some deserters as men whom they had seen concealed on board, one being the identical "Charlie." Next day they were brought before a magistrate and remanded until the following day, Thursday.

Meanwhile, on Wednesday morning, Captain Waddell, finding that the launch of his ship, which was securely fast on the patent slip, was prevented by order of the government, wrote at once to Mr. Francis, declaring his vessel to be seized, and asking if the governor approved of this. At forty-five minutes past one o'clock, on the same day, the governor, by proclamation, revoked the prohibition of the launch, and a letter from Mr. Francis to Captain Waddell intimated that as it was reported that the safety of the ship was endangered by her position on the slip, the suspension of the permission to British subjects to assist in the launch was withdrawn. In consequence the ship was launched the same evening. Late at night Captain Waddell received the following communication:

"CUSTOM HOUSE, *Melbourne, February* 15, 1865.

"SIR: I am directed by his excellency the governor to further acknowledge your communications of the 14th and 15th instant, in which, alleging that the vessel under your command had been seized, you ask whether the seizure is known to his excellency the governor, and if it meets his approval.

"I am to inform you, in reply, that this government has not directed or authorized the seizure of the Shenandoah.

"The instructions to the police were to see that none of her Majesty's subjects in this colony rendered any aid or assistance to, or performed any work in respect of, your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date, in regard to a British subject being on board your vessel, and having entered the service of the Confederate States, in violation of the British statute known as the foreign enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by her Majesty's subjects.

"In addition to evidence previously in possession of this government, it has been reported by the police that about ten o'clock last night four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water police.

"It appears from the statements of these men that they were on board your vessel both on Monday and Tuesday, the 13th and 14th instant, when their presence was denied by the commanding officer in charge, and by yourself subsequently, when you declared that there were 'no persons on board this ship except those whose names are on our shipping articles.' This assertion must necessarily have been made by you without having ascertained for yourself by a search that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

"Referring to that portion of your communication of the 14th instant, in which you inform his excellency the governor 'that the execution of the warrant was not refused, as no such person as the one therein specified was on board,' I am in a position to state that one of the four men previously alluded to is ascertained to be the person named in the warrant.

"I am also to observe that, while at the moment of the despatch of your letter it may be true that these men were not on board the Shenandoah, it is beyond question that they were on board at the time it was indited, your letter having been despatched at five minutes before ten o'clock.

"It thus appears plain, as a matter of fact, that the foreign enlistment act was in course of being evaded.

"Nevertheless, as the only person for whose arrest a warrant was issued has been secured, and as you are now in a position to say, as 'commanding officer of the ship, and on behalf of your government, whose faith is pledged by the assurance, that there are no persons on board this ship except those whose names are on our shipping articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port,' his excellency the governor has been pleased to revoke the directions issued yesterday, suspending permission to British subjects to aid and assist you in effecting the necessary repairs and taking in supplies.

"I am to add, it is expected you will exercise every despatch, so as to insure your departure by the day named in your first letter of yesterday—viz: Sunday next.

"I have the honor to be, sir, your obedient servant,

"JAMES G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

To this Captain Waddell replied next day by thanking his excellency the governor for his observance of the rights of belligerents, denying that the men arrested formed any part of his complement, but were stowaways, detected after a further search, and at once ordered over the side, and declaring that in no way could he be accused of an evasion of the foreign enlistment act. He ended thus, addressing himself to Mr. Francis:

"In conclusion, sir, allow me to inform you that I consider the tone of your letter remarkably disrespectful and insulting to the government I have the honor to represent, and that I shall take an early opportunity of forwarding it to the Richmond government."

This closed the correspondence between Captain Waddell and the government.

[From the Herald of February 23, 1865.]

LEGISLATIVE COUNCIL.

WEDNESDAY, *February* 22.

THE SEIZURE OF THE SHENANDOAH.—MR. HIGHETT'S MOTION.

Mr. HIGHETT, pursuant to notice, moved that an address be presented to the governor, praying that his excellency would cause to be laid on the table of the house copies of any instructions received from the home government relative to the reception and treatment of ships-of-war of foreign nations visiting this port, more especially in relation to those of belligerent powers. He said that the correspondence which had recently taken place between the government and the commander of the Shenandoah had caused great excitement in the public mind. The majority of the public were of opinion that it should have taken place between the governor and the commander of that vessel. His motion would set that at rest.

Mr. HULL seconded the motion.

Mr. HERVEY said that, beyond what had been published, any despatches were confidential, and his excellency would not, therefore, give them up. Under the circumstances, he hoped the honorable member would withdraw his motion.

Mr. COLE supported the motion.

Mr. HULL referred to the imbroglio that took place between Lieutenant Lowe, of the confederate tender to the Alabama, in Temple bay, and the governor at that port, and stated that the correspondence was carried on entirely between Lieutenant Lowe, although he was only a lieutenant and commanding a tender, and the governor.

Mr. HIGHETT intimated that he would call for a division.

Mr. HERVEY pointed out that there were certain despatches which the governor was not entitled to lay before the house, and that in the present case they were of that nature. The governor had acted in accordance with those instructions.

Mr. HIGHETT said that his motion was merely for the presentation of an address to the governor, and it should be left to the governor to say whether he would comply with it. His own impression was that the instructions were to correspond through the ministry, but he wanted to see that it was so.

Mr. STRACHAN thought that any instructions sent ought to be laid before Parliament. It seemed very extraordinary that in an important matter, when the correspondence had been carried on by the government and not by the governor, that it could be withheld. The government had not, in his opinion, come out with very flying colors in the matter. His opinion was that the governor should have carried on the correspondence.

Mr. FRASER opposed the views of the last speaker, and thought the house ought not to press the matter. The governor, through the commissioner of customs, had shown to the public at large what the instructions were, as would be seen from the correspondence. The government had acted under instructions from the governor. [Mr. Fawkner: "Who knows that?"] If the despatch was a private one they should not insist upon having it.

Mr. FAWKNER hoped that the honorable member would press it to a division. If the honor-

ble member who had just sat down had seen all the correspondence and read it, he (Mr. 'awkner) had not.

Mr. FRASER said that he had read it in the public prints.

Mr. FAWKNER said that a one-sided view was always taken by the public prints. He charcterized the conduct of the government in seizing the ship while on the slip as cowardly nd most unmanly. It was, moreover, a ship-of-war. It was like the case of the Florida. le maintained that the vessel was seized without rhyme or reason. It was quite possible ıat a few men were stowed away without the knowledge of the commander, and it had not een proved that the men had been employed, although they were charged with having ensted. The government had compromised itself with the people at large.

Mr. FELLOWS pointed out the double capacity of the governor as a constitutional sovereign nd an agent of the home government, and remarked upon the course taken by Sir Henry 'arkly in laying upon the table certain papers, with the understanding that it was not conıded as a right or to be considered as a precedent. If to the motion the government reırned the answer that it was inconvenient, as the papers were private and confidential, there 'as an end of the matter; but, referring to the correspondence, he thought a different conruction was to be put upon it. He then quoted from the published correspondence to show ıat, as reference was not made expressly to the governor, that the government were underood to be authorized by the imperial government, and that, therefore, the instructions ›uld be called for.

Mr. HERVEY reminded the house that it was more an imperial than a colonial question. he governor owed a duty to the home government, and if he had done anything wrong, it as his particular duty to justify his action to that government. He only wished the govnment could produce the letters, as they were not desirous of keeping them back. The atter would come before Parliament at home, and the justification would have to be made the proper quarter.

Mr. FELLOWS suggested that the honorable member might say that it did not contain any structions to the local government.

The question was then put, and agreed to, on a division by 15 to 10.

MR. COLE'S MOTION.

Mr. COLE moved that copies be furnished of all correspondence between the government ıd the commander of the Shenandoah. He remarked that it was an important question, volving the neutrality of the port.

Mr. S. G. HENTY seconded the motion.

Mr. HERVEY said there was no correspondence between the government and the captain of e Shenandoah. The correspondence was on behalf of the governor, and written under his rection.

After some remarks from Mr. Hull,

Mr. HIGHETT said: Do I understand that there has been no correspondence between the ›vernment and the Shenandoah?

Mr. HERVEY. None.

Mr. HIGHETT said there appeared to be, and urged that the house was entitled to that which ıd taken place between the commissioner of trade and customs and the commander of the ıenandoah.

Mr. MITCHELL asked whether the commissioner of customs held two positions—that of a inister and secretary to the governor?

Mr. HERVEY said the governor selected the proper officer to sign the correspondence.

Mr. FELLOWS. Who, his private secretary?

Mr. HERVEY. No; any correspondence was by the order of his excellency.

Mr. MITCHELL. Then it did not take place between any member of the government and e captain of the Shenandoah, but between the secretary of the governor and the captain of e Shenandoah.

Mr. STRACHAN. Did the governor indorse all the commissioner of customs wrote?

Mr. HERVEY. Yes.

Mr. STRACHAN. Then let us have it shown to be so.

Mr. FELLOWS. Under his hand and seal?

Mr. STRACHAN believed there were two letters, and would like to know whether the govnment indorsed all that was written by Mr. Francis. He did not and could not believe it, ıd it would be only when it was produced to the house, indorsed by his excellency, that ı would believe it.

[From the Argus of February 18, 1865.

I.

U. S. STEAMER-OF-WAR SHENANDOAH,
Port Phillip, January 25, 1865.

SIR: I have the honor to announce to your excellency the arrival of the Confederate States ›amer Shenandoah, under my command, in Port Phillip, this afternoon, and also to communicate that the steamer's machinery requires repairs, and that I am in want of coals

I desire your excellency to grant permission that I may make the necessary repairs and obtain the supply of coals to enable me to get to sea as quickly as possible.

I desire also your excellency's permission to land my prisoners. I shall observe the neutrality.

I have the honor to be your obedient servant,

JAMES J. WADDELL,
Lieutenant Commanding.

His Excellency Sir CHARLES DARLING, K. C. B., *&c.*

II.

DEPARTMENT OF TRADE AND CUSTOMS,
Melbourne, January 26, 1865.

SIR: I am directed by his excellency Sir Charles Darling to acknowledge the receipt of your letter of the 25th instant, acquainting his excellency with the arrival of the Confederate States steamer Shenandoah, under your command, at Port Philip, and intimating that the machinery of the steamer requires repairs, and that you are in want of coals.

In the communication under acknowledgment you request his excellency to grant permission to make the necessary repairs, and to obtain a supply of coals, and, further, to be allowed to land your prisoners.

In reply, I have received the instructions of Sir Charles Darling (sic.) to state that he is willing to allow the necessary repairs to the Shenandoah and the coaling of the vessel to be at once proceeded with, and that the necessary directions have been given accordingly.

I am at the same time to furnish for your information the accompanying extracts of orders issued by her Majesty's government, and publicly notified in the government Gazette of this colony on the 17th March and 24th April, 1862, with respect to armed vessels, whether belonging to the United or Confederate States of North America, with which it is requisite for you to comply.

In conformity with the terms of the foregoing commands, I am to request that you will be good enough at your earliest convenience to intimate to me, for the information of his excellency, the nature and extent of your requirements as regards repairs and supplies, in order that Sir Charles Darling (sic.) may be enabled to judge of the time which it may be necessary for the vessel under your command to remain in this port.

With reference to your request regarding certain prisoners, his excellency desires to be furnished with a list of the prisoners in question, and any other information affecting them which you may be able to afford.

I have the honor to be, sir, your most obedient servant,

JAMES G. FRANCIS,
Commissioner of Trade and Customs.

The LIEUT. COM'G C. S. STEAMER-OF-WAR SHENANDOAH,
Hobson's Bay.

The following are the extracts indicated and enclosed:

"You are aware of the determination of her Majesty's government to maintain the strictest neutrality in the hostilities which are now being carried on between the United and Confederate States of North America. In order to cause that neutrality to be effectually respected throughout the Queen's dominions, her Majesty has directed (in accordance with a long-established European practice) that no ship-of-war, privateer, or other armed vessel, belonging to either of the belligerents, which shall anchor in any British port, shall be allowed to quit her anchorage within twenty-four hours after any vessel belonging to the adverse belligerents, whether armed or unarmed, shall have left the same port.

"In order to give effect to her Majesty's orders, I am to desire that, on the arrival of any such armed vessel in any port or roadstead within your government, you will notify this rule to her commander, and will inform him that, in case he should infringe it, his government will be held responsible by that of Great Britain for violating the neutrality of the British waters."

III.

C. S. STEAMER SHENANDOAH, *January* 28, 1865.

SIR: Upon the receipt of your communication of the 26th instant, in which permission was granted for the repairs necessary to the Shenandoah to be proceeded with, I sent for and engaged the services of Messrs. Langlands Brothers & Co., to examine the propeller and bracings under water, and to undertake the repairs, which was agreed to by the firm, informing them of the importance of haste, and importance to me their report would be, as his excellency desired to know the extent of injury done the vessel. I was promised a report, and have been asking each day for it, but none has been handed in yet, and as I conceived an idea that their report would be more satisfactory than any I could write for his excellency's

information, I have delayed, in accordance with the grace given me at my "earliest convenience," to intimate to you the extent of damages. Every arrangement has been made for lifting the propeller clear of the ship, and a diver has examined the bracings under water today. From what I have seen of the propeller-shaft, and the verbal report of the diver on the bracings under water, I can state that the composition castings of the propeller-shaft are entirely gone, and the bracings under water in the same condition. So soon as Messrs. Langlands Brothers & Co. hand in their report, I shall enclose it to his excellency. The other repairs are progressing rapidly. I fear the damages will prove more serious than I anticipated them to be at first.

I have the honor to be, very respectfully, your obedient servant,

JAMES J. WADDELL,
Lieutenant Commanding C. S. N.

The Hon. the COMMISSIONER *of Trade and Customs.*

IV.

CUSTOM HOUSE, *Melbourne, January* 30, 1865.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of the 28th instant, and of your memorandum of this day's date, indorsed on a letter addressed to you by Messrs. Langlands Brothers and Co., a copy of which letter, with your subjoined memorandum, is returned herewith, and to inform you it will be necessary that a list of the supplies required for the immediate use of your vessel, together with one of the prisoners, &c., as I suggested in my previous communication, should be sent in for the guidance of his excellency, before four p. m. on the 31st instant.

I have it further in command to inform you that his excellency has appointed a board, consisting of Mr. Payne, inspector and secretary of the Steam Navigation Board; Mr. Elder. superintendent of the marine yard at this place, and Mr. Wilson, the government marine engineer, to go on board the Shenandoah and to examine and report whether that vessel is now in a fit state to proceed to sea, or what repairs are necessary.

I have the honor to be, sir, your obedient servant,

JAMES G. FRANCIS.

J. J. WADDELL, Esq.,
Lieutenant Commanding Confederate States Steamer Shenandoah.

V.

PORT PHILIP FOUNDRY, *Melbourne, January* 30, 1865.

SIR: At your request we beg to report that it will be absolutely necessary to put the Shenandoah on the government slip, as, after inspection by the diver, he reports that the lining of outer stern back is entirely gone, and will have to be replaced.

As to the time required (as three days will elapse before she is slipped) we will not be able to accomplish the repairs within ten days from date.

Yours, &c., LANGLANDS BROS. & CO.

Captain WADDELL,
Confederate War Steamer Shenandoah.

Indorsement: Respectfully submitted to the honorable commissioner of trade and customs, with the request that it may be returned.

JAMES WADDELL,
Lieutenant Commanding.

JANUARY 30, 1865.

VI.

DEPARTMENT OF TRADE AND CUSTOMS,
Melbourne, January 31, 1865.

SIR: By direction of his excellency the governor, I have the honor to acknowledge the receipt, this morning, of your letter of yesterday's date, stating the supplies required for the officers and crew of the vessel under your command, and informing me that the prisoners alluded to in your previous communication have left the Shenandoah without your knowledge, in shore boats, soon after your arrival.

I am desired by Sir Charles Darling (sic) to state that permission is conceded for you to ship on board the Shenandoah, in such quantities as may be reasonably necessary, the provisions and supplies enumerated in your communication under reply. I would therefore request that your purser, authorized in that behalf, will communicate with the collector of customs as to quantities and detailed particulars.

I am again to renew my request to be furnished with a list giving the number of and particulars (as far as possible) with respect to the prisoners who were brought to this port in the Shenandoah; and I may add that the number in this instance is understood to be small,

yet action in this case may form a precedent for future guidance should such a question again arise, with, perhaps, a larger number of persons whom it may be desired to land in violation of municipal or other laws or regulations in force in this colony.

I have the honor to be, sir, your obedient servant,

JAMES G. FRANCIS,
Commissioner of Trade and Customs.

J. J. WADDELL, Esq.,
Lieut. Commanding Confederate States Steamer Shenandoah.

VII.

CONFEDERATE STEAMER SHENANDOAH, HOBSON'S BAY,
February 1, 1865.

SIR: I have the honor to acknoweldge the reeeipt of your communication of yesterday's date, and, in reply to that portion which has reference to supplies, &c., directions have been given the paymaster of the Shenendoah in accordance with your views.

I cheerfully furnish a list of those persons who were my prisoners on "the high seas," at your request, for future guidance, and, at the same time, inform you that a list was furnished Mr. McFarlane, chief officer of her Majesty's customs for Williamstown, as far back as the 25th or 26th ultimo, in official form. "Particulars" connected with the prisoners brought into Port Philip are the following: They were captured serving in the American bark Delphine, which vessel I destroyed, and after reaching this port left this vessel of their own free will, without consulting the "regulations in force in this colony," unmolested, unassisted, and not in any boat belonging to this vessel.

I am extremely anxious to get the Shenandoah to sea. The procrastination by the parties employed under his excellency the governor's permission for the necessary repairs to this ship seems to me unnecessary; and if I appeal to his excellency the governor for further instructions to those employed to hurry up the work on this ship, I hope his excellency the governor will see in it the spirit of a law-abiding man, and one impatient to be about his country's business.

Yesterday the commission of officers appointed by his excellency the governor for the examination of this vessel came on board: but I was absent from the ship, not having been informed by the honorable commissioner of trade and customs of the day set apart for that visit.

I have the honor to be, sir, respectfully, &c.,

JAS. J. WADDELL,
Lieutenant Commanding, C. S. Navy.

The Hon. COMMISSIONER *of Trade and Customs.*

VIII.

DEPARTMENT OF TRADE AND CUSTOMS,
Melbourne, February 1, 1865.

SIR: I am directed by his excellency the governor to acquaint you that he has received a progress report from the board appointed to examine the Shenandoah, and report whether that vessel is in a fit state to proceed to sea, or what repairs are necessary. From the tenor of this communication, it is evidently necessary that your ship should be placed on the patent slip for further examination and repairs, and I presume you will therefore proceed promptly with the necessary arrangements. For your information, I may state that the slip, termed the government patent slip in the communication to yourself from Messrs. Langlands Brothers & Co., is not in possession of or under the control of the authorities. It was originally built by this government, but for many years has been leased to various parties, and your arrangements must therefore be made with the present lessees.

By inadvertence you have omitted to enclose the list of prisoners to which you make reference in your communication of this date.

I have the honor to be, sir, your obedient servant,

JAS. G. FRANCIS,
Commissioner of Trade and Customs.

J. J. WADDELL, Esq.,
Lieut. Commanding C. S. Steamer Shenandoah.

IX.

CONFEDERATE STATES STEAMER SHENANDOAH, *February* 1, 1865.

SIR: I have the honor to acknowledge receipt of your communication of this day's date, informing me of the character of the report made to his excellency the governor by the board of examiners; also, calling my attention to another list of prisoners, which you desire. I cheerfully furnish this the second list; and have the honor to be, sir, respectfuly, &c.,

JAMES J. WADDELL,
Lieutenant Commanding, C. S. Navy.

The Hon. COMMISSIONER *of Trade and Customs.*

X.

DEPARTMENT OF TRADE AND CUSTOMS,
Melbourne, February 7, 1865.

SIR: I am instructed by his excellency Sir Charles Darling to acquaint you that, as the ship under your command, the Shenandoah, has already been twelve days in our port, with permission to lay in provisions or things necessary for the subsistence of her crew, and to effect the necessary repairs, it is desired by his excellency that you should now name the day upon which you will be prepared to proceed to sea; and I am further directed to inform you that, after carefully considering the question of the position of Great Britain, as strictly neutral in the present contest, the use of appliances the property of this government cannot be granted, nor any assistance rendered by it, directly or indirectly, towards effecting the repairs of the Shenandoah.

I have the honor to be, sir, your most obedient servant,

JAS. G. FRANCIS,
Commissioner of Trade and Customs.

J. J. WADDELL, Esq.,
Lieut. Com'g C. S. Steamer Shenandoah, Hobson's Bay.

XI.

CONFEDERATE STATES STEAMER SHENANDOAH,
February 7, 1865.

SIR: I have the honor to acknowledge receipt of your communication of this day's date, and, in reply, for information desired for his excellency the governor, I have to write that I cannot name a day for proceeding to sea with this ship until she is taken on the slip, where the injury can be perfectly ascertained and the time estimated for its repair. The recent gales have prevented me from lightening the ship to the necessary draught preparatory to going on the slip, in which matter I have been guided by those who are in charge of the slip. I hope the weather will permit the engineer to take the Shenandoah on the slip to-morrow morning.

I am, sir, respectfully yours,

JAMES J. WADDELL,
Lieutenant Commanding, C. S. Navy.

The Hon. COMMISSIONER *of Trade and Customs.*

XII.

DEPARTMENT OF TRADE AND CUSTOMS,
Melbourne, February 14, 1865.

SIR: Referring to my communication of the 7th instant, I am again directed by his excellency Sir Charles Darling to inquire whether you are now in a position to state more definitely when the Shenandoah will be in a position to proceed to sea; and if so, I shall be obliged by your informing me accordingly.

I have the honor to be, sir, your obedient servant,

JAMES G. FRANCIS,
Commissioner of Trade and Customs.

J. J. WADDELL, Esq.,
Lieut. Commanding C. S. Str. Shenandoah, Hobson's Bay.

XIII.

C. S. STEAMER SHENANDOAH, *February* 14, 1865.

SIR: I have the honor to acknowledge receipt of your communication of this day's date, and, in reply, have the pleasure to inform you, for his excellency the governor's information, that the superintendent of the slip and Messrs. Langlands Brothers & Co. inform me that the Shenandoah will be ready for launching to-morrow morning, the 15th instant, at four o'clock a. m.; and I think, without some unforeseen accident, I shall proceed to sea in her by Sunday, the 19th instant. I have yet to take in all my stores, coals, and swing the ship.

I have the honor to be, very respectfully yours, &c.,

JAMES J. WADDELL,
Lieutenant Commanding, C. S. Navy.

The Hon. COMMISSIONER *of Trade and Customs.*

XIV.

CUSTOM HOUSE, MELBOURNE, *February* 14, 1865.

SIR: I am directed by his excellency the governor to state that it has been reported to the government that you have refused to allow the execution on board the Shenandoah of a warrant issued upon sworn information, according to law, alleging that a British subject is on board that vessel who has entered the service of the Confederate States, in violation of the British statute known as the "foreign enlistment act;" that it is not consistent with the British law to accept any contrary declaration of facts, whatever respect be due to the person from whom it proceeds, as sufficient to justify the non-execution of such warrant; and that, moreover, it is conceived that this government has a right to expect that those who are receiving in our port the aid and assistance which they claim as a belligerent under the Queen's proclamation, should not in any way oppose proceedings intended to enforce the maintenance of neutrality.

It will be apparent to you that the execution of the warrant is necessary, in order to enable the government to bring to justice those upon whose depositions the warrant was issued, if the statements in those depositions should prove false in fact.

In this view, you are appealed to to reconsider your determination; and pending further intimation from you, which you are requested to make with as little delay as possible, the permission granted you to repair and take supplies is suspended, and her Majesty's subjects have been duly warned accordingly.

I have the honor to be, sir, your obedient servant,

JAMES G. FRANCIS.

J. J. WADDELL, Esq., *Lieut. Commanding C. S. Str. Shenandoah.*

XV.

C. S. STEAMER SHENANDOAH, *February* 14, 1865.

SIR: I am in the receipt of your letter of this date, in which you inform me that you have been directed by his excellency the governor to state, "that it has been reported to the government that I have refused to allow the execution on board the Shenandoah of a warrant issued upon sworn information, according to law, alleging that a British subject is on board this vessel who has entered the service of the Confederate States, in violation of the British statute known as the foreign enlistment act, and that it is not consistent with the British law to accept any contrary relation of facts, whatever respect be due to the person from whom it proceeds, as sufficient to justify the non-execution of such warrant." I am then appealed to "to reconsider my determination," and the letter concludes by informing me that, "pending a further intimation from me," the permission granted to repair and take supplies is suspended.

I have to inform his excellency the governor that the execution of the warrant was not refused, as no such person as the one therein specified was on board, but permission to "search" this ship was refused. According to all the laws of nations, the deck of a vessel-of-war is considered to represent the majesty of the country whose flag she flies, and she is free from all executions, except for crimes actually committed on shore, when a demand must be made for the delivery of such person, and the execution of the warrant performed by the police of the ship. Our shipping articles have been shown to the superintendent of police. All strangers have been sent out of the ship, and two commissioned officers were ordered to search if any such have been left on board. They have reported to me that, after making a thorough search, they can find no person on board except those who entered this port as part of the complement of men.

I therefore, as commander of the ship representing my government in British waters, have to inform his excellency that there are no persons on board this ship except those whose names are on my shipping articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port; nor have I in any way violated the neutrality of the port.

And I, in the name of the government of the Confederate States of America, hereby enter my solemn protest against any obstruction which may cause the detention of this ship in this port.

I have the honor to be, sir, your obedient servant,

JAMES J. WADDELL,
Lieutenant Commanding, C. S. Navy.

The Honorable JAMES G. FRANCIS,
Commissioner of Trade and Customs, Melbourne.

Telegram from Mr. F. C. Standish, chief commissioner of Victorian police, to Mr. Beaver, police inspector, stationed at Williamstown:

(Telegram for Mr. Beaver.)

I have to direct that you communicate with Mr. Chambers, the lessee of the patent slip, that the governor in council has given directions that he and all other British subjects in this colony at once desist from rendering any aid, assistance, or perform any work, in respect to the aforesaid confederate ship Shenandoah, or in launching the same. You will at once proceed with the whole of the police at your disposal to the patent slip, and prevent, at all risks, the launch of the said ship. Superintendent Lyttleton and fifty men, also fifty of the military, proceed at once to Williamstown, telegraphing anything that may occur direct to me.

F. C. STANDISH.

TUESDAY 14, 1865.

XVI.

C. S. STEAMER SHENANDOAH, *February* 15, 1865

SIR: I am informed by the manager of the slip upon which the Confederate States steamer Shenandoah now rests, that the slip has been seized by authority from his excellency the governor, to prevent the launching of the Confederate States steamer Shenandoah, which of necessity is a seizure of the vessel under my command. I therefore respectfully beg to be informed if this seizure is known to his excellency the governor, and if it meets his approval.

Very respectfully, &c.,

JAMES J. WADDELL,
Lieutenant Commanding, C. S. Navy.

The Hon. COMMISSIONER *of Trade and Customs.*

XVII.

CUSTOM HOUSE, MELBOURNE, *February* 15, 1865.

SIR: In acknowledging your letters of yesterday's date, and also in reply to your communication of this morning, I am instructed by his excellency the governor to inform you that the lessee of the patent slip having reported that the safety of the ship Shenandoah may be endangered by her present position on the slip, the suspension of permission to British subjects to assist in launching the ship is withdrawn; while the further matters referred to in your letters are under consideration, and will be replied to with as little delay as possible.

I have the honor to be, sir, your obedient servant,

JAMES G. FRANCIS.

J. J. WADDELL, Esq., *Lieut. Commanding C. S. Str. Shenandoah.*

XVIII.

CUSTOM HOUSE, MELBOURNE, *February* 15, 1865.

SIR: I am directed by his excellency the governor to further acknowledge your communications of the 14th and 15th instant, in which, alleging that the vessel under your command had been seized, you ask whether the seizure is known to his excellency the governor, and if it meets his approval.

I am to inform you, in reply, that this government has not directed or authorized the seizure of the Shenandoah.

The instructions to the police were to see that none of her Majesty's subjects in this colony rendered any aid, or assistance to, or performed any work in respect of, your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date, in regard to a British subject being on board your vessel, and having entered the service of the confederate States, in violation of the British statute known as the foreign enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by her Majesty's subjects.

In addition to evidence previously in possession of this government, it has been reported by the police that about ten o'clock last night four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water police.

It appears from the statements of these men, that they were on board your vessel both on Monday and Tuesday, the 13th and 14th instant, when their presence was denied by the commanding officer in charge, and by yourself subsequently, when you declared that there were "no persons on board this ship except those whose names are on our shipping articles." This assertion must necessarily have been made by you without having ascertained for yourself by a search that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

Referring to that portion of your communication of the 14th instant, in which you inform his excellency the governor "that the execution of the warrant was not refused, as no such person as the one therein specified was on board," I am in a position to state that one of the four men previously alluded to is ascertained to be the person named in the warrant.

I am also to observe that, while at the moment of the despatch of your letter it may be true that these men were not on board the Shenandoah, it is beyond question that they were on board at the time it was indited, your letter having been despatched at five minutes before ten o'clock.

It thus appears plain, as a matter of fact, that the foreign enlistment act was in course of being evaded.

Nevertheless, as the only person for whose arrest a warrant was issued has been secured, and as you are now in a position to say, as "commanding officer of the ship, and on behalf of your government, whose faith is pledged by the assurance, that there are no persons on board this ship except those whose names are on our shipping articles, and that no one has been enlisted in the service of the confederate States since my arrival in this port," his excellency the governor has been pleased to revoke the directions issued yesterday, suspending permission to British subjects to aid and assist you in effecting the necessary repairs and taking in supplies.

I am to add, it is expected you will exercise every despatch, so as to insure your departure by the day named in your first letter of yesterday, viz., Sunday next.

I have the honor to be, sir, your obedient servant,

JAMES G. FRANCIS.

J. J. WADDELL, Esq.,
Lieut. Commanding C. S. Steamer Shenandoah.

XIX.

C. S. STEAMER SHENANDOAH, *Hobson's Bay, February* 16, 1865.

SIR: I am in receipt of your communication of yesterday's date, and desire to convey through you to his excellency the governor my appreciation and thanks for his observance of the rights of belligerents, and further to assure his excellency the governor that every despatch is being made by me to get the Shenandoah to sea at the earliest possible moment.

The four men alluded to in your communication are no part of this vessel's complement of men; they were detected on board by the ship's police after all strangers were reported out of the vessel, and they were ordered and seen out of the vessel by the ship's police immediately on their discovery, which was after my letter had been despatched informing his excellency the governor that there were no such persons on board. These men were here without my knowledge, and I have no doubt can be very properly called stowaways; and such they would have remained but for the vigilance of the ship's police, inasmuch as they were detected after the third search; but in no way can I be accused, in truth, of being cognizant of an evasion of the foreign enlistment act.

In conclusion, sir, allow me to inform you that I consider the tone of your letter remarkably disrespectful and insulting to the government I have the honor to represent, and that I shall take an early opportunity of forwarding it to the Richmond government.

Very respectfully, &c.,

JAMES J. WADDELL,
Lieutenant Commanding, C. S. Navy.

The Hon. the COMMISSIONER *of Trade and Customs.*

This closes the correspondence between Captain Waddell and the government. But the following letter was despatched to Mr. Higinbotham:

XX.

C. S. STEAMER SHENANDOAH, *Hobson's Bay, February* 14, 1865.

SIR: Be pleased to inform me if the Crown claims the sea to be British waters three miles from the Port Philip Head lights, or from a straight line drawn from Port Lonsdale and Cape Schank?

I have the honor to be, very respectfully, &c.,

JAMES J. WADDELL,
Lieutenant Commanding, C. S. Navy.

The Honorable the ATTORNEY GENERAL.

Captain Waddell states that a reply, written and signed by a clerk, was brought to him by a messenger, of whom he knew nothing till a gentleman on board explained who he was. The document simply stated that no reasons for the communication of the information had been given. Captain Waddell handed the "reply" back to the messenger with the simple answer that it was not what he wanted, and that it had better be taken back, with his compliments.

[From the Age of February 16, 1865.]

In the legislative council yesterday, the President being absent through illness, Dr. Wilkie, the chairman of committees, took the chair at a quarter past four o'clock.

Mr. Fellows asked the commissioner of public works, without notice, what steps had been taken by the government with reference to an attempt to execute a magistrate's warrant on board the Shenandoah. Mr. Hervey explained that a warrant had been granted upon information of certain persons having been shipped on board the Shenandoah contrary to the laws of neutrality, and that a police officer had been despatched with the warrant to search the ship. He was denied permission to execute the warrant, and the government determined to suspend the privileges which had been granted to the commander of the Shenandoah on his entering the port. Four persons who had been shipped in contravention of the neutrality laws had been captured by the police in attempting to escape, and were now in custody. The commander of the Shenandoah having stated, upon his honor as an officer and a gentleman, that, the ship having been cleared of strangers, there was now no person on board who was not there when the ship entered the port, the government had granted a resumption of the privileges they had suspended upon leave being refused to search the ship. On the motion of Mr. Fraser, twelve months' leave of absence fron the 1st of March was granted to the Honorable T. T. A'Beckett. The land act amendment bill was further considered in committee, Mr. James Henty acting as chairman. The bill was reported to the house, and the adoption of the report made an order of the day for Tuesday next. The house adjourned at seven minutes past five o'clock until Tuesday, the 21st instant.

PARLIAMENT OF VICTORIA,
Legislative Council, Wednesday, February 15.

The clerk announced at a quarter past four o'clock that he had received a note from the president to the effect that he was prevented by illness from attending the sittings of the council that afternoon.

Dr. Wilkie, the chairman of committees, accordingly took the president's chair and read the usual form of prayer.

THE SEIZURE OF THE SHENANDOAH.

Mr. FELLOWS rose to ask the commissioner of public works, without notice, whether the government had received any information with reference to an attempt to execute a magistrate's warrant on board the Shenandoah, now on the patent slip at Williamstown, and if so, what steps they had taken in the matter. He apprehended, as far as the law of the matter went, that if any foreign merchant vessel visited these ports she owed a temporary allegiance to the laws of this country, and was subject, of course, to the jurisdiction of the colonial courts. An implied consent was given to a ship-of-war or armed vessel belonging to another country to enter these ports; and there was also an implied consent on the part of the power giving permission to enter the port, that a vessel of that character should not be subject to any jurisdiction of the courts of that power. This being the case, he wished to know what action the government had taken in the matter. He might remind the honorable member, with reference to the protection foreign vessels were entitled to claim, that it had been decided in the court of admiralty that a merchant vessel leaving a country and returning under commission from a foreign power, and being brought before the court by her former owners, the latter were not in a position to recover because the ship was owned by a foreign power.

Mr. HERVEY wished to know if he was desired to answer the whole question at once without notice.

Mr. FELLOWS. Merely whether the government have taken any steps to execute the warrant.

Mr. HERVEY then stated that the government had received notification of an information having been laid before the police bench at Williamstown, to the effect that a certain individual had been shipped on board the Shenandoah contrary to the neutrality laws of this country in regard to the Confederate and Federal States of America. The commander of the Shenandoah, on entering these waters, had sought the protection of the colonial government; and certain facilities for repairs and obtaining supplies, such as a neutral power was justified in giving, had been granted at his request. He was informed that it was the intention of the government to observe strict neutrality, and he gave that pledge which would be expected from any person in his position, that he would strictly observe the laws of neutrality. Complaints, however, were made of a number of British seamen having joined the ship since she entered these waters, and proceedings were taken upon several depositions which had been made with regard to British subjects being on board the vessel. An officer of the police was sent, with a warrant, on Monday, to arrest a man sworn to be in the ship. The commander of the vessel was not on board at the time, and the chief officer declined to permit the warrant to be executed until the captain returned. On Tuesday the same officer of police was despatched with a warrant, and the captain refused to allow it to be enforced. In all similar cases, when a warrant was sent on board a foreign vessel, it was usual for the authority to be

recognized, and if the officer of police, in whose possession it was, was not asked to exercise it, it was executed by the police of the vessel, there being ship police on every vessel-of-war. In this case there was a positive refusal to permit the warrant to be executed at all. Numerous affidavits having been made that many persons had been induced to ship on board the Shenandoah, the government determined to suspend the privileges granted to the commander on condition of his observing the neutral laws, and in order that this direction should be properly carried out without violence, a body of police was sent down to Williamstown to see that none of her Majesty's subjects infringed the order which had been issued on the subject. A communication was sent to the commander, explaining to him the circumstances under which the privileges previously granted him had been suspended. The police, under instructions to carry out the order, remained near the vessel all night, and about ten o'clock they observed several persons attempting to escape from the Shenandoah by means of a swift waterman's boat. The water police pursued and captured the boat, which contained four persons, who proved in each instance to be men who had joined the Shenandoah since her arrival in these waters. Three were British subjects and one was not, but still it was necessary that the fourth individual should have obtained permission before shipping. A letter the captain of the Shenandoah wrote, in answer to the communication of the government, distinctly stated that when the officer of police visited his ship he had no individual on board who was not there when the vessel entered Victorian waters, but it was now known that several men who had shipped in Hobson's bay had escaped, in addition to the four who were captured. The captain of the Shenandoah then wrote to say that, having cleared the ship of strangers, he was enabled to say, on his honor as an officer and a gentleman, that there was no person on board (as he had ascertained by the inspection of two commissioned officers appointed for the purpose) who was not there when the vessel came into port. Upon this statement, made on the strength of the ship having been cleared of strangers, the government had to-day authorized the resumption of the privileges formerly granted to the commander of the Shenandoah, reserving to itself, however, the decision upon certain points, which would all be made public when the measures which would be passed on the subject were brought forward.

Mr. HULL asked if the violation of the laws of neutrality would be followed up by any further proceedings.

Mr. HERVEY replied that the men in custody were to be brought before the Williamstown bench on the following morning.

Mr. FELLOWS. Under what authority was the permission for carrying out repairs suspended?

Mr. HERVEY. Upon the authority of the representative of her Majesty, of course.

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Mr. M'CULLOCH, in reply to a question by Mr. O'Shanassy, made a lengthened statement, which will be found in another column, as to the steps that had been taken by the government with respect to the Shenandoah.

In reply to Mr. O'Shanassy, Mr. M'Cuolloch stated that it would be unadvisable to lay on the table of the house the correspondence between the government and the commander of the confederate war ship Shenandoah at the present time. He, however, explained the action taken by the government relative to the breach of the foreign enlistment act said to have been committed.

[From the Herald of February 2, 1865.]

A large crowd assembled in front of the Theatre Royal last night in expectation of seeing the officers of the Shenandoah, who, according to the bills, were to patronize the performances. However, following the dictates of good taste, confederate officers arrived at the theatre singly, and thus avoided the chance of a popular demonstration. There was no attempt on the part of the audience inside to exhibit their sympathies pro or con, and the dramatic and other entertainments on the stage were sufficiently attractive to absorb their attention throughout the night.

LEGISLATIVE ASSEMBLY.

WEDNESDAY, *February* 1, 1865.

The Speaker took the chair at half-past four o'clock.

THE POLICE FORCE.

Mr. M'CULLOCH, in reply to Mr. Crews, stated that it was the intention of the government to introduce a bill to amend the law relating to the police force, and also to provide for an allowance for members retiring therefrom.

THE CONFEDERATE SHIP SHENANDOAH.

Mr. BERRY called the attention of the honorable the chief secretary to the infringement of the neutrality proclamation by a vessel styled the Shenandoah, now in Hobson's bay; and asked whether the government intended to take steps to confiscate the vessel, and to punish the officers for a misdemeanor, in accordance with the provisions of the said proclamation. He thought that it could not be denied that unmistakable evidence existed that this vessel was the Sea King, which cleared out from London for Bombay with a cargo of coals. In a Manchester paper of the 19th November, there was an article alluding to the Shenandoah as the Sea King, and containing a statement from the persons who went out in her. He had also seen a deposition made by one of the prisoners since the arrival of the vessel in the bay, from which it appeared that there was no mistake as to the former name of the vessel. Under the Queen's proclamation, if this vessel had returned to an English port, after destroying vessels at sea, without touching at any confederate port, she would have been seized, and he saw no difference because this country was a little further off. There was abundance of evidence forthcoming for the facts to be placed prominently and unmistakably before the government.

Mr. M'CULLOCH, in reply to the honorable member, stated that the question mooted was a most important one, and must be dealt with in a most cautious manner. A statement had been made that the vessel was the Sea King, but there was no proof of that beyond a mere newspaper report which had been quoted by the honorable member. No proof had been brought forward by the honorable member at all, and even if such had been the case it was questionable whether the government could deal with the ship as a pirate. [Hear, hear.] The government had given great attention to this question, and in addition to having the proclamation before them they were also in receipt of confidential despatches from the home government, in which a case of a similar description was mentioned. The government having this information before them, and having well weighed the matter, would not feel justified in treating this vessel as a pirate. [Hear, hear.] While the terms of the neutrality proclamation would be strictly adhered to, the vessel would be allowed to take in provisions for the proper maintenance of the crew, and effect the necessary repairs. But the government could not do anything further in the matter. [Hear, hear.]

Mr. BERRY wished to read the deposition of a lady prisoner. ["No, no."]

Mr. HIGINBOTHAM objected. If the honorable member had any information to give, this was not the place to furnish it; besides which, it was only an ex parte statement.

Mr. O'SHANASSY agreed that the British government was the proper authority to deal with this subject, and reminded the house that nothing more had been done with the Shenandoah than had been done by the neutral powers of Europe in the case of other confederate vessels.

Mr. LALOR was under the impression that the governor, as the representative of her Majesty, had the power to deal with foreign vessels.

The subject was then dropped.

In the legislative assembly, yesterday, Mr. Berry called attention to the presence of the confederate ship Shenandoah in Hobson's bay, and asked whether, as an infringement of the neutrality law had clearly taken place, the government intended to take any steps toward the confiscation of the vessel. Mr. M'Culloch, in reply, stated that the honorable member had offered no proof of any infringement. In addition to the Queen's proclamation to guide them, the government had received private despatches from home which had reference to a similar case. While the neutrality law would be strictly adhered to, the Shenandoah would be permitted to remain in Hobson's bay until the necessary repairs had been effected, and the captain had taken in the coals and provisions which were absolutely required. This statement was received with cheers from all sides of the house.

[From the Age, of February 2, 1865.]

In the legislative assembly, yesterday, the Speaker took the chair at half-past four o'clock. A petition was presented from the miners, storekeepers and others resident in Raywood in favor of the tariff. In reply to Mr. Crews, Mr. M'Culloch stated that it was the intention of the government to bring in a bill to amend the law relating to the police force, and that the 24th clause of the present act had been repealed. Mr. Berry asked Mr. M'Culloch whether the government intended to take any action with regard to the ship Shenandoah, now at anchor in Hobson's bay, which ship, he stated, was the Sea King, reported to have been wrecked, but now sailing under another name. This statement he proposed to prove by means of a letter received by him from a lady, which showed this to be the identical vessel. He asked, further, whether it was intended to confiscate the Shenandoah and to punish her officers for a misdemeanor in accordance with the provisions of the neutrality proclamation. Mr. M'Culloch stated the government had had the matter under their consideration; and, besides having the neutrality proclamation before them, had also had a private despatch from

the imperial government, stating what had been done in a similar case, and that it had been found that they could not treat the Shenandoah as a pirate, and had not the power to interfere, but were bound to allow her to provision, and to effect such necessary repairs as were required to render her seaworthy.

THE SHENANDOAH.

Mr. BERRY called the attention of the honorable the chief secretary to the infringement of the neutrality proclamation by a vessel styled the Shenandoah, now in Hobson's bay; and asked whether the government intended to take steps to confiscate the vessel and to punish the officers for a misdemeanor, in accordance with the provisions of the said proclamation. In doing so, he remarked that the action of the government or of the people of this colony in respect to a vessel of the kind referred to might lead to complications between the mother country and a country with which she was on friendly relations. He did not wish to interfere in any way as between the belligerents, but he looked at the matter solely from an English point of view; and, looking at it in that light, he considered that the neutrality proclamation had been invaded.

The Speaker informed the honorable member that, in asking a question, he was not allowed to state his opinions, but must confine himself to a statement of facts.

Mr. BERRY said he believed it would not be denied that the evidence was quite clear that the vessel now in the bay was the Sea King. [A voice: No.] An honorable member said there was no evidence. Now he maintained that there was abundance of evidence. The Sea King, with a cargo of coals, sailed from London for Bombay, on the 8th of October last. All that had been heard of that vessel since, that he was aware of, was by a report in an English paper that reached this colony some time back, and in a letter in a Manchester paper, written by one of the men who left London in the Sea King, and returned home. In that letter, it was stated that the confederate cruiser Shenandoah was the Sea King, and that the men who formed her crew went out in the Laurel. During the last few days, since the vessel was in port, it was a matter of common report, and had been stated in the newspapers, that she was the Sea King. But he had had placed before him stronger evidence. He had seen the depositions of one of the prisoners, who said that during the passage the captain and officers stated that the vessel was the Sea King, and that the chief officer went out in her from London, while the captain went in the Laurel, in which vessel the armament for the Shenandoah was conveyed out to Madeira packed in boxes. That being the case, and as the vessel had never been in a port in any other country, she would, had she returned to a British port, have been seized and condemned. He maintained that there was no difference in respect to the way she should be dealt with, because she had arrived in a distant port. The government of the colony was as much bound to carry out the neutrality laws here as they would be within the bounds of the mother country. He thought there was sufficient evidence to demand that an inquiry should be made as to how a British vessel clearing out from a British port had entered on the piratical course of destroying vessels at sea, many of which were loaded with English cargo, owned by English merchants. The second section of the proclamation to which he had referred stated that not only was it a misdemeanor to fit out, arm and send a vessel to sea, but also that the vessel should be liable to confiscation by any officer of competent jurisdiction in her Majesty's dominions. If this vessel was proved to be the Sea King—and he held there was abundant evidence that she was—she ought to be confiscated, leaving out of the question altogether the parties who might be indictable for a misdemeanor. His only object in calling the attention of the chief secretary to this matter was that the facts might be brought prominently and unmistakably under the notice of the government, who, he took it, were as strictly anxious to enforce the spirit of the proclamation as the home government could be. At the commencement of the war there was considerable looseness in the conduct of the home government, but there had been no looseness lately. The honorable the chief secretary would bear in mind that the "rams," fitted out by Mr. Laird, were seized by the government; and that, as they were informed by the last mail, a number of persons were seized in Liverpool under the first clause of the proclamation which was directed to the prevention of enlistment. That showed that the British government were now strictly enforcing the provisions of the neutrality proclamation, and that should be an additional reason for attention being given to it here. He believed that, for all the vessels that had been destroyed by the Shenandoah, the federal government would, at some future time, claim compensation. That vessel, so far as they could judge, had no authority from the confederate government to act as she was doing. If this vessel was the Sea King, and if she sailed on a voyage to Bombay and was seized against the will of her owners and converted into a pirate, she ought to be taken possession of for the owner; and, if she was so converted with the consent of her owners, then she ought to be confiscated under the second clause of the neutrality proclamation. At any rate, he thought there was abundant evidence to require a scrutiny to be made as to this vessel.

Mr. M'CULLOCH admitted that this was a most important question, and one that ought to be dealt with in a very cautious manner. He thought that, under all the circumstances, it would not be well for this legislature to enter on a discussion of the various matters that

would be brought forward, and allegations affecting this vessel, as those might be made the subject of inquiry by the imperial parliament. [Cheers] It was said by the honorable member for Collingwood, that this vessel was the Sea King. But what proof was there of that? [Cheers.] All the evidence they had was a newspaper report and a letter in a Manchester paper. The honorable member had not brought forward any other evidence than that. Still he said there was proof. It was said there were the letters "ing" on her side, which led to the belief that she was the Sea King. But was that proof? [Cheers.] Although, however, there was proof that this vessel was the Sea King, he questioned whether this government could deal with this ship as a pirate. [Cheers.] During the last week the government had given a considerable amount of attention to this question, desiring to carry out strictly the rules with reference to such vessels; and with that view they had had under consideration, not only the neutrality proclamation, but also despatches from the imperial government regarding such cases. They had also had brought before them a case exactly similar to the case of this vessel. All the circumstances were exactly similar to those of this case. The government having considered this case, and well weighed it, had come to the conclusion that they would not be justified in treating this vessel as a pirate; but they would insist upon strict neutrality being observed, and the vessel would only be allowed to remain in port so long as was necessary for her to take in what was necessary for the support of her crew, and to have such repairs effected as were required to enable her again safely to go to sea. [Cheers.] The government felt they could not go any further in this matter. [Cheers.]

Mr. BERRY stated that as the honorable the chief secretary had denied that there was sufficient proof that this was the Sea King, he would like to make the matter complete by reading a deposition that was made that day, in his presence, by one of the prisoners she brought here.

Mr. HIGINBOTHAM said he must object to the course taken by the honorable member. [Cheers.] If the honorable member had evidence he could submit to the government that was not the proper place to bring it forward. [Cheers.] He would beg leave to suggest that the honorable member should not read documents in the house that ought to be laid only before the government.

Mr. O'SHANASSY thought that the colonial government was not the proper authority to deal with this matter. He concurred in what had been stated by the honorable the attorney general, that *ex parte* statements, taken by any party, should not be read in that house. They ought to deal with the utmost impartiality in this matter, which was the best way to secure the countenance, so far as they could, of the friendly relations between the mother country and the federal government. The Alabama, when she visited Cherbourg, was allowed to remain there for some time, and get supplies and repairs; and the Florida was allowed to lie in the port of Brest for three or four months. They could not do better, in his opinion, than follow the example of a nation that had had so much experience in those matters. He thought the honorable member might well now let the matter drop.

Mr. LALOR considered that it was wrong to discuss the matter in that house at all. His excellency, he considered, alone, had full power to deal with the matter. It was wrong to bring the matter forward here and compel persons to take different sides. If the honorable member were to do so, he ought to give notice of motion, so that the question might be fairly discussed.

The subject then dropped.

[From the Argus of February 2, 1865.

A discussion, arising out of the presence in Victorian waters of the confederate war steamer Shenandoah, took place in the legislative assembly yesterday. Mr. Berry, who initiated the discussion, called attention to the Queen's proclamation of May, 1861, declaring that the arming and sending out of vessels, with the view of handing them over, by sale or otherwise, to a belligerent, was a misdemeanor, and that the vessel was liable to confiscation by any officer having competent jurisdiction in any port of her Majesty's dominions. There was abundant evidence (said Mr. Berry) that the vessel now in Hobson's bay was the Sea King, which cleared from London about the 8th of October for Bombay, with a cargo of coals; and that she had destroyed vessels at sea, some of them being loaded with cargo belonging to British subjects. He held that there should be as great an observance of neutrality laws here as in any other part of the British empire; and he begged to ask whether the government intended to take steps to confiscate the Shenandoah, and to punish the officers for a misdemeanor. The chief secretary observed that, beyond reports and rumors, there was no proof that the confederate vessel was formerly the Sea King. At the same time the government were fully alive to the importance of the subject. During the last week they had given considerable attention to the question; and they had arrived at the conclusion that, on the information before them, they would not be justified in treating the Shenandoah as a pirate. It would, however, be the duty of the government to see that strict neutrality was maintained, and with that view the vessel would be allowed to remain in port only so long as would be actually necessary for victualling and repairs.

WEDNESDAY, *February* 1

The speaker took the chair at half past four o'clock.

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THE CONFEDERATE WAR STEAMER SHENANDOAH.

Mr. BERRY, in rising to call the attention of the government to this subject, would briefly state the object he had in view. That object was simply that no act of the government or people of this colony should tend to complicate the relations of the mother country with a friendly nation. He did not wish to enter into the question of the rights of either of the two belligerents at all, but only to deal with the question from an English point of view—["Oh, oh"]—and to see whether the proclamation made by her Majesty in 1861 had not been grossly violated in the matter of a vessel now lying in Hobson's bay.

The SPEAKER called the honorable member to order. In putting a question no honorable member was allowed to state an opinion or to go beyond the mere facts of the case. [Hear, hear.] Otherwise there was no knowing what discussion might not ensue.

Mr. BERRY intended strictly to confine himself to a mere statement of facts. He believed it would not be denied that evidence existed in this city that clearly and unmistakably showed the real name of this vessel to be the Sea King, because on that fact he founded nearly the whole of his remarks.

An honorable MEMBER. There is no such evidence.

Mr. BERRY continued to say that the Sea King was a vessel which sailed from London about the 8th October last, bound for Bombay, with a cargo of coals, and all that was heard of her since, that he was aware of, was a report which reached this country in an English paper, some time back. He had found it in a Manchester paper of November 19th last, which alluded to her under the title of "the confederate cruiser Shenandoah, late Sea King." The paper stated:

"We received a letter yesterday from part of the crew of the Sea King, who returned to England in the African steamer Calabar. The men state that the Sea King is now called the Shenandoah."

So the paper went on to allude to the men who came back after having gone out in the Laurel, and this was an important part of the facts of the case. In addition to that, he believed that within the last few days, since this vessel had arrived in Hobson's bay, it had become a matter of public report—never denied, and stated in the public newspapers—that she was without doubt the Sea King. Besides, he had had placed personally before him still stronger evidence that such was the case. He had seen the depositions of prisoners taken out of different vessels, who stated that it was openly admitted on board, both by the captain and officers, that the original name of this particular vessel was the Sea King. In fact, the first lieutenant of the Shenandoah came out in the Sea King, while the captain and the rest of the officers came out in the Laurel, and then joined the first vessel at the island of Madeira. The armament of the Sea King was, it seemed, brought out by the Laurel, packed in boxes, and so put on board. The position he took up was, that under the proclamation of neutrality by her Majesty, had the Shenandoah returned to any English port after having destroyed other vessels, she would have been instantly seized and condemned, and he could see no reason why, because she had gone a much greater distance, and arrived at a colony of the British empire, that she should be treated differently. The colony was a part of the British empire, and the government were bound to carry out the neutrality laws as if we were within the bounds of the mother country herself. It was not necessary to state any further facts on this part of her case. At all events sufficient evidence had been given to cause inquiry as to how it was that a British vessel, sailing for a peaceful voyage to Bombay, and having subsequently gone into another port, suddenly appeared in another part of the British empire after having destroyed many vessels at sea, some of them loaded with English cargo and owned by Englishmen. If that were the case it would not be necessary for him to read any portion of the proclamation on the strength of which he had now spoken. It was no doubt well known to the government that by the second section it was not only made a misdemeanor to arm or fit out such vessels, but also to send ships out to sea with a view of handing them over, by sale or otherwise, to either of the belligerents. Such persons were not only made subject to punishment, but their ships were liable to confiscation by any officer having competent jurisdiction within the British dominions. He had stated the fact without reference to individuals. If this vessel were proved to be the Sea King—and there was abundant evidence for the government that she was—he wished to inquire why the confiscation of the vessel was not carried out under the neutrality proclamation, leaving out of the question who were the parties or their representatives indictable for misdemeanor. He doubted if he need go further. The only object he could possibly have was that the facts should be prominently and unmistakably brought under the notice of the government. He took it that they would be anxious to enforce the spirit of this proclamation the same as at home. [Mr. Francis. "Hear, hear."] He would, however, point out that whatever might have been the looseness of the construction of this proclamation in the earlier stages of the war, there was no such looseness on the part of the English government now. The honora-

ble chief secretary would bear in mind that the rams fitted out in Laird's yards were stopped by the British government, and, on the other side, the last mail brought news that certain passengers and emigrants from Liverpool to North America were also stopped under the first clause of this proclamation, which prevented enlistment for either of the belligerents. The fact of the British government enforcing this proclamation so strictly supplied important additional reasons why every attention and care should be given to the subject here. It must be within the knowledge and memory of the honorable chief secretary that all the vessels destroyed on such a cruise as that of the vessel now in Hobson's bay would at some future time be claimed by the American government from the British government. Here was this vessel. She had touched at no port, and no one could tell whether or not she had authority from the confederate government because there was no authority here to test the validity of a confederate commission. It must be clear to any mind that the parties in possession of this vessel were on the horns of a dilemma. If she were the Sea King——

The SPEAKER. The honorable member is not in order.

Mr. BERRY would only say that if she were the Sea King, on her voyage to Bombay, as the declaration stated, she might have been seized against the will of her owners, and so converted into a pirate. If so, she was subject to be dealt with as having been taken against the will of her owners. If she could not be dealt with as a pirate, the owners were on the other horn of the dilemma, inasmuch as she had committed a breach of the second clause of the proclamation to which he had alluded, and should be on that ground confiscated by the government. Having brought this matter forward, he should conclude by saying that he was quite sure there was abundance of evidence to prove that the vessel in question was the Sea King, and ask the honorable chief secretary, pursuant to notice, whether the government intended to take steps to confiscate this vessel and to punish the officers for a misdemeanor in accordance with the provisions of the proclamation alluded to?

Mr. M'CULLOCH, in reply, had no hesitation in saying that this question was a most important one, and should be dealt with in a most cautious manner. [Hear, hear.] Under all the circumstances of the case it would be well if, at this present time, the house did not go as fully into the discussion of the various matters and alleged facts respecting this ship as would be required in the imperial Parliament. The honorable member had stated that this vessel was the Sea King, but what proof had he? [Cries of "Hear, hear," from all parts of the house.] There were the newspaper reports and a letter addressed to a newspaper in Manchester that the Shenandoah was the Sea King, but the honorable member had not brought forward one single particle of proof to substantiate anything that went beyond that. [Hear, hear.] He said reports were going abroad in this city, and he (Mr. M'Culloch) had heard it stated that the remains of the words "Sea King" were to be seen on the sides of the ship, but was that any evidence of the transfer which it was said had taken place? [Hear, hear.] And even if such were the case, it was a question if the government could deal with the ship as a pirate. ["Hear, hear," and cheers.] The government had done a great deal in discussing this question. For the last week they had given a considerable amount of attention to it, desiring to observe as strictly as possible the rules laid down for the guidance of this and all other colonial governments. In dealing with this vessel they had not only to consider the terms of the proclamation referred to, but also the confidential instructions from the home government; and, moreover, they had had brought before them the case of a vessel in exactly the same position as the Shenandoah. All the circumstances which occurred with regard to this other vessel were in the possession of the government and would be weighed in connexion with the present matter, but he believed the government would not be at all justified in treating this vessel as a pirate. [Cheers.] While insisting as a matter of course that strict neutrality should be maintained as far as possible, he would observe that the vessel had only been allowed to remain in port so long as was necessary for taking on board the supplies necessary for the support of her crew and to complete repairs which were necessary to allow the ship to go to sea. Beyond this the government would not move in the matter. ["Hear, hear," and cheers.]

Mr. BERRY, before the discussion closed, wished to say that he had omitted a good deal of what might be brought forward, being in expectation that his statement would not have been denied. He would like, to make his case complete, to read, for the information of the chief secretary, a deposition given in his presence that day by one of the passengers, a lady, taken by this vessel. [Cries of "order," and "no, no."] If the matter was of the importance stated, any information given to the government ought to be freely availed of by them. It was only a short deposition, and would not take long to read.

Mr. HIGINBOTHAM objected to the course now taken. This was not the proper place or time [cheers] for the honorable member to read a document that might, perhaps, provoke discussion as to its value and effect. If it was considered at all, it should be considered by the government in private.

Mr. O'SHANASSY wished, on the point of order, to speak to the statement made that this vessel was taken by force at sea, and against the consent of the owners.

Mr. BERRY. I did not say so.

Mr. O'SHANASSY would, however, point out that, in that case, the owners would have applied to the British government, who were the proper authorities, and not the colonial government. If this vessel were not taken by force, but sold, then the charge of piracy fell

to the ground. He (Mr. O'Shanassy) concurred in what had fallen from the honorable attorney general, that an *ex parte* statement ought not to be received in that house. It was only fair to all parties that no favor should be shown either on one side or the other. What did the French government do in respect to the Alabama? They gave her permission several times to refit, and the Florida remained in one of her ports for months. Why, then, should this colony refuse to do to a vessel that came here that which other powers were willing to do, and this with experience to guide them? The honorable member might as well have let this matter alone. [Cheers from all parts of the house.]

Mr. LALOR said it struck him that the house was wrong to discuss the matter. His excellency the governor was the representative of her Majesty, and he alone had full powers to deal with this matter. [Hear, hear.] He (Mr. Lalor) did not know the law of the case, but believed the governor alone could deal with a vessel belonging to a foreign power. He protested against a discussion which was unfair to all parties, and might compel honorable members to take sides. He hoped the matter would not be pressed further, unless full notice was given, and then both sides could be heard. At the same time, he might mention that he took a view altogether opposed to that of the honorable member for Collingwood. [Cheers.]

The matter then dropped.

[From the Age of February 3, 1865.

A PIRATE IN THE BAY.

SIR: Immense excitement is said to be caused in Melbourne by the arrival in our waters of a vessel said to be a confederate cruiser named the Shenandoah. If this craft had simply been a confederate, built, manned, and supplied by southerners, and engaged alone in southern interests, little or no notice would have been taken of her; but virtuous indignation arises in the breast of every honest Englishman at the fact of her being an English vessel, armed, (her guns are stamped with the Crown,) equipped, and manned by British subjects, sailing under false colors and assuming a false name, (*vide* name on her stern,) and he feels humiliated and ashamed to confess that they are really his countrymen. Her own officers confess to her being British-built, and that she has never been in any other than a British port. Can she show any other than British register; any clearance but British? Are they engaged in southern interests? Would the position of the confederacy be enhanced by one single act of theirs? I say emphatically no; not if they destroyed every federal ship now floating in these seas. It would and will affect the poorer classes of this colony more than the northern States. It will cause a rise to take place in the already high price of flour, and strengthen the monopoly of the corn trade. Why does she not protect the blockade runners, obtaining glory where it is only to be found, if they are at all interested in the south? No, sir, that is no part of their profession. If I judge rightly, a ball-room would suit those gentlemen far better; and yet, forsooth, they are admired. But I ask what is there to recommend these piratical gentlemen? Is it foppishness? Courage it cannot be. To wit, Captain Semmes, when in Cherbourg, had boarding-pikes and cutlasses ground, saying he should engage the Kearsarge at close quarters, and, if possible, board her. On the contrary, he kept at a distance, and, when the Alabama succumbed, he was content to lie in the bottom of the Deerhound's boat, and allow himself and his courage to be hid under an old sail. This is the gallant, the brave, &c. Little can be said in praise of these men. On the contrary, sir, I maintain that no truly honest, courageous man would so degrade himself by sailing under false colors and destroying unarmed helpless merchantmen. Now, sir, I ask, is it right because, by an extreme stretch of a loophole in our international law, such a vessel is allowed to float, that a system of buccaneering like this should for one moment be countenanced? If so, where is it to stop? Private property on the high seas ought and must be respected; and if our laws are at fault the sooner they are amended the better, and the right denied of such a vessel to enter a neutral port. Sir, they are pirates in every sense of the word—freebooters if you like—appropriating to their own use other men's goods, and destroying that which they cannot. As such let them be regarded; let no sympathy be shown them, and, while we cannot alter the law, let us treat them with that indifference which their inglorious occupation deserves. In following such a course of action every man will prove himself the same as your humble servant,

A NEUTRAL ENGLISHMAN.

The EDITOR OF THE AGE.

[From the Age of January 27, 1865.]

The Shenandoah is a clipper-built screw steamer of 709 tons, exclusive of the space occupied by the engines, and of about 250-horse power. She was built on the Clyde, which has become famous for turning out blockade runners, and does not appear likely to do discredit to the shipwrights of Glasgow. A wooden ship, with iron frame, and iron masts and yards,

she was no doubt built for the work in which she is now engaged, and for which she is admirably adapted. Seen from the pier, the Shenandoah presents only the appearance of a smart, trimly set boat, evidently a swift sailer; but there is nothing rakish about the craft, nor anything that would rouse suspicion as to the pacific nature of her intentions were she to steam unheralded among the shipping of any port. The disguise could hardly have been more complete or effectual. As the vessel consumes her own smoke, it is not discoverable at a distance that she has steam power; and she might easily be taken for a merchantman, as indeed she has been by many a captured federal ship. The only point likely to attract attention is her length, 320 feet, her breadth being only 32 feet; for the iron rigging would probably not be noticed at any distance. The crew numbers 75, all hands told; rather a small complement for so large a vessel, especially when the adventurous work she has undertaken is considered. Her armament is also small, but is capable of being increased at any time, should circumstances demand it. The steamer carries eight large guns; four rifled Whitworths, carrying 40-pound solid shot and 32-pound shell; and four guns, carrying 68-pound solid shot and 56-pound shell. The guns, all new, are magnificently mounted, and are also in excellent order. The Whitworths are calculated to hit at a distance of three miles, and are capable of being elevated eleven degrees. The vessel, however, is confessedly equipped for capturing merchantmen, and not for contending with federal men-of-war. A single glance is sufficient to show that she is built for speed, and the burnished appearance of her copper bottom shows that she has not idled on the way. At half speed she makes nine knots an hour, and it is evidently her policy, in cases of difficulty, to trust more to her heels than her armament. The ship is a new one, and this, we are informed, is her second cruise, which probably means her second voyage, as the present must be the only cruise in which she has appeared in the character of a belligerent under the same name. When once on deck the merchantman appearance, presented on a distant view, vanishes.

[From the Herald of January 27, 1865.]

THE CONFEDERATE CRUISER SHENANDOAH.

In yesterday's publication we gave all the particulars then obtainable respecting the confederate war steamer Shenandoah, which arrived in Hobson's bay on Wednesday afternoon. A personal visit to the vessel yesterday has enabled us to largely increase our stock of information on the subject, and the result of our inquiries we now place before our readers. Previously, however, we direct their attention to the two accompanying paragraphs, the contents of which throw a light on the history of this new successor of the Alabama. They are from the Home News and the Index, and although apparently referring to different vessels, really have reference to the same, for it now appears that the Sea King of the Home News is the Shenandoah of the Index. The first-named journal in its publication of the 26th of November says:

"A few weeks ago, the departure from Liverpool took place of a steamer called the Laurel, with about one hundred men on board, many of whom had served with Captain Semmes. It was also asserted that Captain Semmes was himself on board. A despatch lately received in Liverpool from Madeira is to the effect that the Laurel had been lying in Funchal bay for several days previous to the 17th of October, and early on the morning of that day she steamed out to sea and met a large screw steamer (understood to be the new Alabama,) on board of which were transferred the crew of the Laurel and cargo, consisting of guns, ammunition, &c. The screw steamer then made for the direction of Bermuda. [The name of the latter vessel is said to be the Sea King, 1.200 tons, which recently cleared out of the East India dock for Bombay, but whose real destination was Medeira. It is alleged that she has since run on a rock, and it is feared will become a total wreck."]

The Index, a journal published in London, in the interest of the southern confederacy, has the following in its issue of the 19th of the same month:

"*A new confederate cruiser.*—We have much pleasure in being able to state that, almost at the same time when the Florida was treacherously seized in Bahia harbor, the confederate flag was hoisted on a new cruiser at least the equal of the Florida in armament, speed, and general efficiency. The Shenandoah starts upon her career with every prospect of emulating the fame of her predecessors. She is Commanded by Lieutenant Waddell, confederate States navy, and a gallant staff of officers. Having received her crew and armament—everything, in fact, that constitutes her a belligerent vessel—on the high seas, far beyond any neutral jurisdiction, there can fortunately be no pretence of accusing her of any violation of municipal laws or international obligations. It is evident that federal commerce is balked of the expected reward of the the murderous outrage in Bahia; for already the telegraph has advised us of the doings of no less than three confederate cruisers, the Tallahassee, the Chickamauga, and the Olustee, all of which have recently issued from their own ports and are busy at work avenging the Florida's fate. To this formidable list of ubiquitous enemies the New York Chamber of Commerce must now add a fourth; and confederate sympathisers, paraphrasing the familiar 'Le roi est mort—vive le roi!' may exultingly exclaim, 'The Florida is gone—long live the Shenandoah!'"

[FROM OUR OWN REPORTER.]

The arrival of a vessel-of-war belonging to the Confederate States of America in Hobson's bay caused no little excitement in the city yesterday, and the object of the stranger's visit was actively canvassed on every side. We mentioned yesterday that Captain Waddell, the commander of the Shenandoah, immediately on his arrival despatched one of his officers to Toorak to report that the vessel had entered the bay, and that, under the royal proclamation of neutrality, he requested permission to remain in these waters for a short period for the purposes of coaling, provisioning, and effecting certain necessary repairs to the machinery. As a matter of courtesy, until his excellency's reply was received to the request, the captain declined to allow any person to visit his ship, neither would he permit any communication with the shore. The numerous boating parties which hovered around the ship yesterday morning were politely informed of this determination, and they were forced to content themselves with sailing round the vessel, and scrutinizing her exterior. In the meanwhile a meeting of the executive council was called, and the desire of Captain Waddell was fully discussed. According to international maritime law, as expressed in a despatch from Earl Russell, the secretary of state for foreign affairs, and dated 31st of January, 1862, published in the government gazette on the 24th of April in the same year, it is laid down that vessels of war belonging to a belligerent power are not allowed to enter a neutral port unless they require supplies, coal, &c., or need repairs, and they must comply with the following conditions: They must take in their necessary supplies as soon as they can, as much coal only as will enable them to get to the nearest port in their own country or to the next port of destination, and then leave the neutral port of refuge as soon as possible. Captain Waddell was in want of coals and provisions, and required a new band to the propeller shaft of the screw. Under these circumstances the requested permission was granted, but it was not until between three and four o'clock in the day that the intention was made known on board. The excitement which prevailed in town was very great, and the desire to get on board was heightened by the belief, which was pretty generally entertained, that the renowned Captain Semmes, of Sumter and Alabama celebrity, was on board, if not actually in command. We can, however, give the assurance that the gallant officer mentioned is not in the ship, but that some of the officers and five or six of the men who served with him in his voyages in both the Sumter and Alabama are now serving with Captain Waddell in the Shenandoah. From early morning the crowd of persons who proceeded by the Hobson's Bay railway to Sandridge was very large. Many contented themselves with an observation of the vessel from the end of the pier. The white flag with the thirteen stars placed diagonally in one corner, with the old battle-flag at the fore, being easily discernible from the peak, afforded a clear indication of the whereabouts of the confederate cruiser. Others, notwithstanding the warning conveyed to them that they would not be permitted to set foot on the decks until the intentions of the government were made known, nevertheless cruised around the vessel and endeavored by personal observation to ascertain whether she was not identical with the Sea King, of which information had already been received. These observers were rewarded for their pains in ascertaining some clue to the apparent mystery by the partial obliteration of the three remaining letters of the last word of the former name on the trail board. However, Captain Waddell finding how anxious the people of Melbourne were to inspect his ship, at length permitted visitors to come on board. On this announcement being made known, hundreds of persons availed themselves of the accorded privilege. Every licensed boat was made available for the service, and two or three steamers crowded with passengers plied between the Sandridge pier and the war vessel in the bay. The visitors were most courteously received by the officers, who afforded any information requested of them, and on the departure of each successive party the welcome they had received was acknowledged by three cheers. A tolerably stiff breeze was blowing in from the south, and a small whale boat in rounding to at the stern of the vessel was caught by the wind and capsized. A lady and two gentlemen who were in the boat were thrown into the water. Some alarm was created by this unlooked-for catastrophe. The lady clung to the edge of the boat most courageously, and the whole three were speedily rescued without suffering anything further than a rather unpleasant immersion.

The Shenandoah has brought eleven prisoners to this port, including Mrs. Nichols, the wife of Captain Nichols, and the stewardess of the Delphine, last captured. They all went on shore yesterday morning. At sea the prisoners were kept in irons at night, except those on parole. No complaint as to treatment received on board has been made by any of the prisoners. The officers of the confederate ship visited the city yesterday, and inspected the different public places, including the legislative assembly.

The Shenandoah, one of the latest adjuncts to the confederate navy, is a vessel of 1,160 tons English register, and about 1,400 American. She was built in the Clyde a short time ago, and having become the property of the confederate government, sailed from the East India docks for Madeira. Her appearance is that of a merchant clipper, and were it not that the muzzles of four guns peered from the ports of her broadsides no one would ever think of taking her for a man-of-war. Her length and general build would at once indicate her as being a fast sailer, and we are informed that her average is thirteen knots; while under reefed

canvas she has frequently gone at the speed of eleven knots. The upper deck of the Shenandoah presents no extraordinary features. Her armament consists of eight guns. Forward there are two 32-pounders, rifled Whitworths; amidships, four 68-pounders, smooth-bore; and aft, two small 12-pounders. The 'tween-decks are very lofty, being about eight feet in height. The space is kept clear, and, with the exception of a small table and two or three cushioned forms, nothing obstructs the centre of this deck. Even the hammocks of the crew are stowed out of reach, and all the furniture and effects visible are a few neat-looking trunks, which, from their appearance, seem to have been taken from some prize vessel. The cabin is the ordinary saloon of a merchant ship. The state-rooms, two good-sized apartments, are occupied by Captain Waddell. Nearly all the furniture they contain has been picked up on the cruise, a sofa from one prize, a chair from another, and so on with all the articles. The saloon is the wardroom for the officers, and their sleeping rooms are ranged on either side of the cabin. They, too, have been fitted up in the same manner as the commander's.

Having said so much about the vessel, we now turn to the crew. The commissioned officers number about twenty, a very large proportion considering the smallness of the crew. The officers wear a gray uniform with gold facings, and Captain Waddell wears two gold bands around the sleeves, denoting his rank, after the fashion of the officers of the British navy. Captain Waddell, whose personal appearance is highly prepossessing, is a thorough sailor. He has been twenty-three years in the American navy, and on the commencement of hostilities he proceeded to South Carolina, to fight for his State in the cause of the south. Among the number of her officers are three who have served in the Alabama, and were in her when she was sunk by the Kearsarge off Cherbourg. They are Mr. Bullock, the master; Mr. Smith, the paymaster, who was then captain's clerk, and Mr. O'Brien, the engineer, then third assistant engineer. The crew are seventy-five in number, and comprise natives of nearly every country in Europe and one or two negroes, but the majority are British subjects. On ordinary service they wear a rough, grayish-brown uniform dress. A very large number of the men have joined since leaving the port of departure, and have been captured in the prizes. They are a happy and apparently well-contented lot, express great confidence in their commander, and are well pleased with the service in which they are engaged.

We now proceed to give some account of the Shenandoah from the time of her setting out on her present cruise, some three months ago. On the 8th of October, 1864, a small party left Liverpool in a steamer called the Laurel, and on the 14th of the same month arrived at Funchal, the capital of the island of Madeira. There she was regarded as a thorough blockade runner in the confederate service, but the men were not allowed to go on shore. Some short time previous to the arrival of the Laurel some Polish passengers had visited the island, and quitted forgetting the hotel accounts they left behind them, and the inhabitants were made to believe that the crew of the Laurel were men belonging to the same nation, *sans argent*, so that their presence on shore was not much cared about, at least by the hotel-keepers. On the 18th of October a vessel entered the harbor and steamed up to the east side close alongside the Laurel. This vessel was the steamer now in Hobson's bay. She had arrived from London, having been purchased there for £45,000, and the crew, or part of them, of the small steamer, having been transferred on board the new purchase, she quitted the harbor, and, when far beyond the jurisdiction of Portugal, the confederate flag was hoisted, and the vessel was christened the Shenandoah. Not a box had been opened up to this time, and now Captain Waddell found himself in command of a ship-of-war commissioned and equipped to deal destruction to the merchant service of the federal States. The crew at this time only consisted of twenty-three officers and men, a very small complement indeed for a vessel of this size. After deducting the number required for the engineer's department, stewards, &c., only ten remained for working the vessel, or five in a watch. At the outset all was confusion, but the officers stripped off their jackets and assisted the men. The plan adopted was to steam by day and sail by night. Captain Waddell at once kept out in the ocean, always out of sight of land. On the 29th of October, in latitude 16° 47′ N., longitude 26° 43′ W., when the Shenandoah had only been out ten days, the word was passed that a vessel was in sight. The royals were set, and the cruiser bore down in chase with the English colors flying. The stranger hoisted the American flag, and a gun fired across his bows brought him to. The vessel, which was taken as a prize, proved to be the bark Alissa, Captain Staples, with a cargo of railway iron, bound for Buenos Ayres, and from thence to Akyab for rice. The master and mate, with a crew of ten men, were transferred to the Shenandoah, and eight of the men immediately joined the confederate service. The cargo was valued at $38,000, and the bark, which was scuttled, at $50,000. The crew of the confederate had now been increased to twenty-nine men before the mast, and the ship was consequently better worked. On the 5th of November, at daylight, in latitude 7° 38′ N., longitude 27° 49′ W., the cruiser got under steam and proceeded in chase of a schooner, which was reached at 7.30 a. m. She proved to be the Charter Oak, 400 tons, from Boston, bound to San Francisco, with an assorted cargo. The crew having been removed, she was burnt. The schooner was valued at $22,000. Captain Gilman, his wife, and her sister, were taken on board the cruiser. The last named was the widow of a corporal in the federal army who was killed at Harper's Ferry. Captain Waddell gave her his own cabin, and the whole party were well treated. Private property was respected, but a sum of $200 was taken from Captain Gilman and given to his wife as a present from the confederate government, on the condition, which she promised to

comply with, that she was not to give it to her husband. A quantity of preserved tomatoes (about 2,000 pounds weight) was taken, and the ship's company have since been living upon tomatoes. On the 7th of November, two days afterwards, in latitude 6° 28′ N. and longitude 27° 6′ W., the bark D. Godfrey, bound from Boston to Valparaiso, was fallen in with. Her cargo consisted of 400 barrels of beef. Her crew consisted of twelve men, nine of whom volunteered to join the southern service. The vessel was burnt and cargo destroyed. On the 9th of November a Danish brig was communicated with, and the master consented to take Captains Staples and Hallett, with the four mates and two men who had been captured, in consideration of receiving from Captain Waddell a chronometer, a barrel of beef, and a barrel of bread. The prisoners were transferred, and the brig departed on her way to Rio Janeiro. On the 10th November, at daylight, in latitude 4° 20′ N. and longitude 26° 39′ W., the brig Susan, of New York, Captain Hansen, was captured, with a carge of Cardiff coal. She was scuttled, and two seamen and a boy were shipped. The master himself wanted to volunteer, but he was not pressed. When the Susan sank, at 10.30 a. m., she went down bow first, and the main truck sank while the stern was above the surface of the water. On the 12th November, in latitude 2° N. and longitude 28° W., the clipper ship Kate Prince, of Portsmouth, New Hampshire, was seen. She was observed in the evening from the masthead on the port beam, and the course of the Shenandoah was changed so as to cut her off. All the prisoners, some fifteen in number, were transferred to this vessel, which was bound to Bahia with 1,700 tons of coal. The cargo was sworn to be English, and Captain Waddell bonded the ship for $40,000. Captain Sibley, the master, in return sent to the cruiser two barrels of potatoes. On the same day and in the same latitude, the bark Adelaide, of Baltimore, bound to the river Plate, hove in sight. She had a neutral cargo on board, and the vessel was bonded for $23,000. On the day following, in latitude 1° 40′ N., longitude 28° 24′ W., the schooner Lizzie M. Stacey, of Boston, bound for Honolulu, Sandwich islands, with an assorted cargo, was captured and burnt. Her crew, three in number, volunteered for the service. Among the number was a Baltimore negro named Charles, who, singularly enough, recognized another negro, named John, captured in the D. Godfrey. The two niggers had lodged in the same house, shipped in different vessels, and were afterwards captured by the same cruiser within a few days of each other. About this time Captain Waddell observed a vessel in distress, with her mainmast cut away. She would not make any signal, and although there were five vessels around she would not notice any of them. On the 24th of November the Shenandoah started in chase of the ship Rubens, of Stockholm, bound to the Cape of Good Hope, but did not succeed in coming up to her. This was in latitude 24° 44′ S., longitude 31° 28′ W. She also showed colors to an English ship on the same day. On the 4th December, in latitude 34° 47′ S., longitude 12° 30′ W., the whaling bark Edward was captured, and burnt after the stores had been removed. One seaman was shipped, but the remainder, consisting of Portuguese, were not pressed. They were afterwards landed, with other prisoners, at Tristan d'Acunha, on the 27th of December. Captain Waddell here bought some beef and sheep, and in return gave the inhabitants sixty days' salt provisions. The last capture was made on the 29th of December, in latitude 39° 10′ S., longitude 69° E., the bark Delphine, Captain Nichols, bound for Akyab from London for a load of rice. She had on board about 300 tons of cargo. The vessel was burnt, and the crew, eight in number, were shipped on board the confederate. On one occasion the Shenandoah chased a steamer which was proceeding with all sails set. After going three or four miles, an impression was formed that she was a British man-of-war, and the chase was at once abandoned. Since his arrival in port, Captain Waddell believes this vessel to have been her Majesty's steamer Brisk, recently arrived at Sydney. The process of boarding was always looked forward to by the officers and crew of the Shenandoah with the greatest interest. Everything worth having was first taken from the prizes, and the hatches, after being filled with straw and tar, were set alight.

Although the ordinary dress of the confederate service appears to be a dark brown, the men are habited in various costumes, as occasion requires. At one time the cruiser, with stars and stripes flying, bore down upon a vessel, and in answer to the usual hail, announced herself as a federal man-of-war, but the stranger replied by hoisting Danish colors. Sunday has always been strictly kept on board, and on that day no manner of work further than that actually required for working the vessel has been accomplished. From the latitude of the cape the Shenandoah has come direct under sail to this coast without calling at any place. Captain Waddell requires to remain in this port a few days in order to repair the vessel's machinery, and as an earnest of his intention, Messrs. Langlands & Co. have been engaged to effect the necessary repairs. Captain Nichols, of the bark Delphine, states that when his ship was boarded the papers were examined, and, being found American, were taken possession of, with the nautical instruments and the provisions which were required, before the ship was burnt. The persons taken off consisted of the captain, eleven men, and a steward: also Mrs. Nichols and child. Several ships were hailed, but they all showed English colors. The papers of the Nimrod, formerly the Sancho Panza, bound to Adelaide, were investigated. We understand there is a nephew of General Lee, Mr. Sydney Smith Lee, on board the confederate ship. In conclusion, we may mention that Captain Waddell has most courteously thrown his vessel open to the inspection of the public, and that steamers and small boats ply to and fro at all hours of the day.

MR. FELLOWS'S OPINION.

To the editor of the Age:

SIR: Mr. Fellows is, no doubt, a good special pleader and a sound *nisi prius* lawyer, but beyond this I cannot defer to his opinions. Common sense tells us that foreigners who come within our jurisdiction and receive the protection of our laws are bound by them; and, moreover, that the ship in which they come may not, whether a ship-of-war or not, be made a sanctuary for criminals. His opinion, however, seems to me as much opposed to law as to common sense. The foreign enlistment act (59 George III, c. 69) makes enlisting in a foreign service a misdemeanor, and "any ship" having on board such persons may be prevented from proceeding on her voyage. Mr. Fellows, in the genuine special pleading tone, argues that "any ship" does not include ships-of-war, because the act imposes a penalty on "the master;" so at least I understand him. There are certain rules of construction which, I think, he has forgotten. It is a maxim "*Ubi lex est specialis et ratio ejus generalis, generaliter accipienda est.*" If, to the application of the maxim in this case, he replies that it is only applicable to ships within the jurisdiction, I answer that all within the protection are necessarily within the jurisdiction of the law, whether men or property. In fact, the right of search (an expression usually limited to the search of neutral vessels at sea) was fully discussed in 1812, and then recognized by Parliament, the only question reserved being whether the continued exercise of the right was expedient. If belligerents may search neutrals to ascertain if they are supplying the muniments of war, it follows that neutrals may search belligerents, if they have the power, to ascertain that they are not violating the laws of the country from which they are seeking temporary relief and protection. I may observe that the act also makes it a misdemeanor to augment the warlike force of any foreign armed vessel arriving in the country. How is such an augmentation of the warlike force of the vessel to be ascertained except by searching her? and how is it to be rendered inoperative except by detaining her? This alone is sufficient to show that "any ship" was intended to include all ships, whether ships-of-war or merchantmen. As I think that the government has acted with courage and wise decision in this matter, as well as in perfect conformity with law, I trouble you with this communication.

A BARRISTER.

[From a Melbourne paper, dated February 16, 1865.]

SEIZURE OF THE SHENANDOAH.

Great excitement prevailed in town yesterday relative to the alleged seizure of the Shenandoah by the Victorian government; and it was stated by many persons that the government had overstepped their powers in making such a seizure. It will be seen, however, that no seizure at all was made, and that the authorities merely restrained British subjects from assisting in repairing the vessel until the neutrality regulations had been observed. Taking up the narrative of events at the point reached in our yesterday's issue, we may remark that the surmise was correct that an attempt would be made to launch the Shenandoah yesterday morning. At about a quarter to five a. m. the steam-tug Black Eagle was seen approaching the slip, and when within hailing distance was challenged by the sentries who were stationed on the piers on either side. The reply to the challenge was that the tug had been engaged to come at that hour for the purpose of towing out the Shenandoah. The master of the tug was forbidden to approach any nearer, and, after some parleying, he steamed out again.

At three o'clock yesterday afternoon Mr. Superintendent Lyttleton, who had been to Melbourne for instructions, returned to Williamstown, and, in accordance with an order which he had brought from the governor, withdrew the police who had been put in charge of the Shenandoah. A considerable number of people had crossed over from Sandridge in expectation of some sensational scene, but the affair passed off very quietly. The repairs of the vessel are now completed, and, when she has taken in some coal, she will be ready to proceed to sea.

From the ministerial explanation given below, and which was made in the house yesterday, it will be seen that four men—British subjects—were arrested on Tuesday evening, upon leaving the Shenandoah, and that one of these was the man Charlie, for whom the warrant had been issued. When arrested, they gave their names as James Davison, Franklyn Glover, Mackenzi, and Walmsley. They were brought up before Mr. Call, P. M., this morning, and shortly examined; but, as Mr. Call had to attend the police court at Footscray, he adjourned the inquiry until the following morning.

THE MINISTERIAL STATEMENT IN THE ASSEMBLY.

As soon as the speaker had taken the chair in the legislative assembly yesterday,

Mr. O'SHANASSY rose and said: Seeing the honorable the chief secretary in his place, I would wish to ask him, without notice, if he would be good enough to lay on the table a copy of the correspondence that has passed between the government and the commander of the confederate steamer Shenandoah since her arrival in this port.

Mr. M'CULLOCH said: I cannot at present consent to lay the correspondence on the table of the house, as it would be undesirable to do so. If the honorable member wishes information as to what has been done with the ship, I have no objection to make a general statement on the subject.

Mr. O'SHANASSY: My reason for asking that the correspondence should be laid on the table is that honorable members, and also the people of the country generally, should know exactly what has been done. In a general statement the information is not so correct; but I do not mean that it is intentionally so. If there are any reasons for withholding the correspondence, I would not press for it.

Mr. M'CULLOCH: This correspondence passed between his excellency the governor and the commander of the Shenandoah. It was not with the government. As honorable members are aware, this vessel arrived in the bay some three weeks ago. The captain at once put himself in communication with his excellency, and asked that he might be permitted to have certain repairs made, and to obtain such supplies as were necessary to enable him again to put to sea. The government at once put themselves into a position to ascertain, from all despatches that had been received, and by giving the fullest consideration to her Majesty's proclamation, the course that should be pursued. The result was that Captain Waddell was informed that he would obtain liberty to make all necessary repairs to enable his vessel again to go to sea, and to take in necessary supplies of provisions. At the same time his attention was called to the necessity of his keeping within the strict terms of neutrality. Captain Waddell acknowledged the act of the government, stating, at the same time, that he would maintain a strict neutrality. Some time elapsed and nothing was done, in so far as few repairs were being executed on the ship. The government, in order to secure that a position of strict neutrality was maintained, appointed a board to inquire and report as to what repairs were necessary to render the vessel fit to go to sea; not that she should be so repaired as to make her better fitted as a war ship, or for the purpose for which she was fitted out, but that she should only be made fit to go to sea from this port. It was found that certain repairs were necessary, and that for the completion of those repairs the vessel would have to be taken on to the slip; and here I may remark that it has been stated that this is the government slip, but it is nothing of the kind. In one sense it is the government slip, but in another it is not, as it has been leased to a private individual. The ship has been on the slip for several days. Within the last two or three days information has been forwarded to the government to the effect that there were certain parties concealed on board the ship—Englishmen, who had gone on board since the vessel arrived in this port, and that with the view of joining the ship as seamen. Such being contrary to the provisions of the foreign enlistment act and the proclamation of her Majesty, the government found they could not shirk dealing with the matter; and, as the information was furnished on sworn affidavits, the government felt themselves obliged to take immediate steps to ascertain if the neutrality of the port had been violated, for, while the government was bound to observe strict neutrality towards the vessel, her officers and crew, they were also bound to demand that Captain Waddell should, with equal strictness, observe the neutrality of the port. [Cheers.] Well, a warrant for the apprehension of an Englishman named Charley, a native of London, was issued by the Williamstown bench. The warrant was presented on Monday evening. The captain was not then on board, and so the warrant was presented to the first lieutenant. That officer refused to allow the inspector of police to go on board to ascertain if Charley was on board, at the same time giving him distinctly to understand that there was no such person on board. Well, the government did not wish at that time to take decided steps, as the captain was not on board when the inspector first visited the ship. The inspector, however, was instructed to go on board again when the captain was there. He went next morning, (Tuesday morning,) and met the same reception from Captain Waddell, who stated, on his honor and faith as a gentleman and an officer, that there was no such person as Charley on board. Well, the government had so many distinct statements made to them by persons resident in Melbourne that there was such a person on board that they considered they were obliged and bound in duty, both to this colony and to the mother country, to take all proper steps to ascertain whether such was the case or not—whether this man was on board or not. The government having given a considerable amount of anxious attention to all the points on the subject—which may yet turn out to be a matter of very considerable importance—came to the conclusion that the governor should issue an order under the foreign enlistment act; and, looking to the strong proofs we had before us of the violation of the act, we felt bound to issue orders to all her Majesty's subjects that they should refuse to continue the task of repairing the vessel, and should not give any aid in launching the ship till the government was satisfied that the documents that had been put in their hands,

stating that there were Englishmen on board, were incorrect. At the same time a letter was sent to Captain Waddell, calling his attention to all the circumstances of the case, and asking him to reconsider his determination, pointing out to him that this was a violation of an act of the British Parliament by a British subject, and that he ought to put the government in position to ascertain whether that person had been guilty of violating the acts of this country. His attention was also called to this circumstance, that it was desirable, for his own sake, if those statements were false, that he should put the government in a position of being able to prove that they were false, and of bringing the parties to punishment for making such statements. This letter was delivered to Captain Waddell yesterday about six o'clock in the afternoon, and the messenger waited for an answer. At ten o'clock last evening a letter, in reply, was forwarded to the commissioner of trade and customs. And here he wished to point out that Captain Waddell kept the messenger waiting for four hours. [Hear, hear.] The letter, which was dated last night, was despatched by Captain Waddell at ten o'clock—at ten o'clock last night. In this letter he again refuses to allow the warrant to be executed, or, rather, he states that he did not prevent the execution of the warrant because it was for a person named Charley, and there was no such person on board the ship. [Cries of Oh! Oh!] He again repeated his statement that there were no parties on board the ship but those who were on board when she entered the bay, and stated at the same time that he had observed the strictest neutrality. This letter came into my possession at one o'clock in the morning, and at seven o'clock this morning I was informed that four men last night were detected leaving the vessel about ten o'clock at night, or about the time the document furnished to me was despatched. These men were in a waterman's boat, and the water police endeavored to overtake them, but did not succeed in doing so until they arrived at the Sandridge railway station. Well, on examination, we find that those parties were not on board when the ship came into the port, but joined here. [Cheers.] They were persons who ought not to have been allowed to join, and who ought not to have been concealed. [Cheers.] We have now discovered that one of those four persons who left the ship at ten o'clock last night, or about the time the letter was despatched, was the very man Charley for whom the warrant was issued. [Cheers.] I think the course the government has taken will justify us, not only in the estimation of the house, [cheers,] but I am sure it will be admitted that the government has taken the proper course to carry out and support the intention of the British Parliament in respect to the foreign enlistment act, [cheers,] and the intention of the proclamation of her Majesty with respect to the observance of neutrality. [Cheers.] There is no doubt that this man Charley, for whom the warrant was obtained, and of whom we were assured that he was not on board, was in the uniform of the ship—on various occasions, at all events. [Hear, hear.] Now, it appears to me and to the government that if anything can be a violation of strict neutrality, this is it. [Cheers.] My honorable colleague, the minister of justice, reminds me that we have not yet proved that this man Charley wore the uniform of the ship; but we have the statement of various parties that such was the case, and, as they are to be brought before the police court to-morrow morning, I have no doubt but further information will be received on the point. [Cheers.] In the mean time the government have obtained what they really desired to obtain in the first instance—that all the parties who joined the ship illegally should be removed from the vessel. [Cheers.] That having been done, we have removed the suspension of leave to her Majesty's subjects to carry out repairs, and to assist the vessel off the slip. [Hear, hear.] Captain Waddell will, of course, be ordered to remove from this port at the very earliest possible date. [Cheers.]

Mr. LEVEY. So far as I gather from the statement of the honorable the chief secretary, the government is not aware even now that all the persons who may have joined the ship here are out of her. [Hear, hear.] Captain Waddell, it seems, denied the authorities the right to search the ship for British subjects who were said to be on board in violation of British laws; and he further denied that the person for whom the warrant was issued was on board, while, as has been ascertained, the man was on board. I think that the fact of persons having left—persons whose presence on board was denied—affords good reason for believing there are other persons on board. [Hear, hear.]

Mr. M'CULLOCH. The particular warrant that was issued for this particular individual has been satisfied; and if further warrants are issued, for other persons who may be on board, the position of the government will be altered. It may be that there are other persons on board, but we have no information to that effect. I may state that it is the intention of the government to refer all the particulars of the case to the imperial government, and the various points in the case that have turned up. [Cheers.]

Mr. O'SHANASSY. This is an important and somewhat novel case for us. The honorable the chief secretary states that the government issued a warrant for the apprehension of a particular person, and on the strength of that warrant it was sought to establish a right of search.

Mr. M'CULLOCH. The government had not issued the warrant. The warrant was issued by a police magistrate at Williamstown, on sworn information. Neither was there any right of search claimed by the government, though Captain Waddell laid great stress upon that. Now, it was nothing of the kind. The warrant was simply for the apprehension of one of our own subjects who had committed a breach of our own laws. [Cheers.]

Mr. BERRY. It appears to me that the captain of this vessel took advantage of the privi-

eges of a neutral port, and how was the government to see that the neutrality of the port was observed, as it was their duty to do, if the police were not allowed to execute a warrant, not against the ship or the captain of the ship, but against a British subject? [Hear, hear.] As to the question of the right of search set up by the captain, it has nothing to do with the case, and seems to me to be a mere subterfuge. [Cheers.] It is the duty of the government to see that this vessel strictly observes the neutrality proclamation, even though they should have to go on board against the will of the captain or any of his officers? For anything that can be known to the government, unless an examination is allowed, it might be that this vessel is now being fitted up both so as to increase her speed and render her more efficient for war purposes. Now, I again ask, can that be ascertained without an examination? It may be that at the very last moment it will become the duty of the government to stop the vessel. [Hear, hear.] If the government cannot do so, then this neutrality proclamation simply affords additional facility for the vessel of a belligerent power entering a neutral port to be better equipped for war purposes.

The matter then dropped.

MEETING AT THE CRITERION.

A public meeting was yesterday convened, by unsigned placards, to be held at the Criterion hotel, Collins street, to "protest against the action of the government in seizing the Shenandoah." The meeting was convened for half past three p. m., but shortly before that hour a written notification was placed outside the Criterion hotel, of which the following is a copy:

SHENANDOAH.

This vessel has been released by the government.

OPINION OF MR. T. H. FELLOWS.

Question. Have the government of this colony any right to search the Shenandoah for the alleged offender Charlie?

Answer. I am of opinion that the government have not the powers which they claim. A ship-of-war, commissioned by a foreign government, is exempt from the jurisdiction of the courts of other countries.

There will therefore be no meeting.

A very large number of persons assembled outside the hotel and appeared very dissatisfied with the conduct of the conveners of the meeting. After considerable delay, a number of persons entered the large room of the hotel, and Mr. George Robertson mounted a table and addressed the assemblage. He said he did not know who were the original promoters of that meeting; but he and other citizens came there to express their opinions on the action of the government. He thereupon moved that Mr. R. Kent take the chair.

Mr. MOTON MOSS seconded the resolution, which was carried.

Mr. KENT said that he was called upon quite unexpectedly. The original promoters of the meeting had deserted their post; still the citizens wished to express their opinion on the subject. He was not identified with either the north or the south; but the question which he submitted to the meeting was, had the government acted in accordance with the principles of international law? The government were bound to afford the Shenandoah opportunities for repairing damages, &c.; yet she had been seized, and he was surprised that on the previous evening not one honorable member of the assembly had put the question to the government why this step had been taken. He had no doubt that that question would be put that night, but meantime it was right for the citizens to express their opinions. The question involved large issues—nothing less than whether peace or war was to exist between England, her colonies, and the southern American confederacy. He concluded by inviting speakers to come forward and address the meeting.

After a short pause.

Mr. G. ROBERTSON said he appeared in the cause of common sense. If no one was prepared to move a resolution in pursuance of the object for which the meeting was convened, he should, after the lapse of a few minutes, move that the meeting adjourn.

A VOICE. I propose that meantime we all adjourn for nobblers. [Laughter.]

Mr. ROBERTSON. We can do that at any time, and not at your expense. [Laughter.]

Mr. FREAME defended the conveners of the meeting, as the opinion of Mr. Fellows, and the release of the vessel removed the necessity for the meeting.

Considerable confusion ensued; the speaker was met by cries of "bring forward your resolution," and "you cannot excuse those who called the meeting and are not here."

Mr. M'KAY declared that he had seen Mr. Langlands a few minutes prior to the meeting, and he had positively stated that the Shenandoah was not released.

Mr. FERGUSON flatly contradicted Mr. M'Kay's statement.

Mr. MOTON MOSS here rose and "wanted to know" what was the use of Mr. Higinbotham, as a law officer of the Crown?

Mr. PHILIP COHEN then rose, and said that he was not in any way identified with the origination of that meeting, but he came to see what was going to be done; and now that a number of citizens had assembled, an expression of opinion should be made as to the action of the government in the seizure of the war ship Shenandoah. He would ask that meeting, if the Shenandoah had been a federal ship, would the government of this colony have dared to lay a hand upon her? [Loud cries of no, no, and cheers.] No; they would have shaken in their shoes before daring such an attempt. Had the Shenandoah been a war steamer belonging to the smallest, the most trivial power of Europe, would the government have dared to touch her? [A voice: Certainly not; but they seize a pirate.] He contended that she was not a pirate. She had been acknowledged by the government as a ship-of-war belonging to a belligerent power; and being such, the government had no right to lay hands upon her. [A voice: She is a British steamer, the Sea King, and not the Shenandoah.] He considered that when six or eight millions of men, descended from the Anglo-Saxon stock, unanimously demanded the right of self-government, they should be granted that right, and when a ship belonging to a confederation struggling for that right came into a neutral port, and was allowed to be placed on the slip for repairs, when she was, in fact, powerless, it was an act of cowardice in any government to seize her by force. [Prolonged cheers.]

Mr. KUINLAN, barrister-at-law, said he believed there was no resolution before the meeting: in order to get the proceedings into a business-like shape, he would submit a resolution—"That the proceeding of the government was ill-advised in seizing the Shenandoah, and likely to endanger our happy relations with a State which was likely to be very powerful." He appeared before that meeting as the upholder and friend of all down-trodden nationalities—as the friend of those who strove to be free. He felt sure that the citizens of Melbourne were too well informed as to the *casus belli* between the north and the south to believe that it was a slave question. In order to disprove the assertions of those who held the view that the slave question was the cause of the war, he need only refer to the letters of the *Times* correspondent, and the writings of Mr. Spence. No, it was not a slave question; but rather a question of free trade *versus* protection. [A voice: So is the present meeting.] The action of the government was undoubtedly ill-advised, and in order to support this assertion, he would not rest on his own opinion, but referred to the greatest authorities on international law. It had been said that the Shenandoah had been seized for a breach of the foreign enlistment act. Now, in order to understand the question, it was necessary to point out the radical difference which existed between municipal and international law. The chief object of the latter was to deprive war of some of its horrors, to infuse the elements of christianity and humanity into contests between nations. On the other hand, municipal laws were of local and civil application. The foreign enlistment act was a municipal act, which prohibited British subjects from enlisting in a foreign service to fight the battles of foreign nations; but this did not justify the government in attempting to serve a civil search warrant on a ship-of-war. The government had no right, under the circumstances, to board and seize the ship. This was the opinion of Wheaton, one of the greatest authorities on international law. No civil power had jurisdiction over a man-of-war. It might be said that the southern States of America were not a nation; but he contended that their valor and unanimity entitled them to be considered an independent state *de jure*. On reviewing the history of the struggle between the American States and England, which resulted in the declaration of American independence, he contended that the south was justified in the course which it now adopted. Had the American States, in 1777, failed to establish their right to self-government, they would have been treated as rebels, and would have been liable to all the disabilities arising therefrom. But they were victorious. In like manner the southern States had, for four years, upheld the cause of down-trodden nationality, in the face of the greatest difficulties, and had proved that, *de jure*, they were a sovereign power. He believed that their efforts would be ultimately successful, just as the American States had secured their independence in 1777. Though the south was not recognized by the states of Europe as a sovereignty, that was not necessary to its existence as an independent state. In this assertion he was borne out by the authorities on international law, from the days of Cicero downwards. [Oh, oh, and laughter.] They might cry "oh, oh," but he would inform those who did so that Cicero wrote a work entitled "De Republica." He held that the south was not only a sovereignty *de jure*, but also *de facto*. He was glad to learn that the opinion of the Hon. Mr. Fellows was averse to the action taken by the government. In conclusion, he said that he regarded the course adopted by the government as likely to interfere with our happy relations with what was likely to become a great and glorious nation. [Cheers and confusion.]

Dr. ROWE seconded the resolution. He considered that the government had been guilty of a breach of the rules of ordinary hospitality. When the ship first arrived the captain had applied to the governor for permission, before even he allowed a man to go on shore. Certain facilities were given her for repairing; but it was not till she was on the slip, in a defenceless state—[cheers]—that it was resolved to seize her. In fact, we had seized a guest whom we had invited to our table. Nothing could surpass this violation of law—not even the seizure of the Florida. He regarded the question as a colonist, and urged that the south was now engaged in a struggle in which this colony, or the Australian colonies, might some of

these days be involved. [Cries of no, no.] He said yes, for the war was simply in support of a demand for the rights of self-government. As to the rumors about stowaways, he had it from Captain Waddell himself that up to the time of his ship being placed on the slip—when she was defenceless—he caused a strict search to be made; but once upon the slip, it was very easy for men to be surreptitiously placed on board. [A voice: A federal dodge.]

After much confusion and some irregular remarks from various speakers, the resolution was read, in an amended form, as follows: "That the course adopted by the government in seizing the Shenandoah was ill-advised, and likely to be subversive of our friendly relations with neighboring neutral states."

Mr. M'KAY, amidst loud expressions of disapproval, moved, as an amendment, "That this meeting approves of the steps taken by the government in detaining the Shenandoah until a full investigation has been instituted." He contended that the original motion condemned the government without reason. The vessel was not the Shenandoah at all; it was the Sea King, built on the Clyde; and the southerners had, in his opinion, no more right to send out such privateers than John Mitchell would have had. [Confusion.] The men who carried on the Irish rebellion had just as good a right as these southerners had.

Mr. P. COHEN said that he thought it was highly improper for either northern or southern partisans to interfere at that meeting, as it was called for the purpose of giving British inhabitants an opportunity of protesting against the conduct of the government. [Hear, hear.]

The confusion which had been increasing throughout the meeting here reached its climax.

Mr. HERBERSON rose to address the meeting, and remarked that those who had preceded him had made a mistake in addressing the audience as "gentlemen."

This uncomplimentary allusion was sufficient to insure the speaker being hissed down.

Mr. J. W. RANDALL next appeared on the table, and was met in the usual noisy manner. After some prefatory remarks, he said that he had just returned from Williamstown, and had there been credibly informed that emissaries of the federal government had offered seamen of the Shenandoah sums varying from £50 to £100 to desert and inform against the captain. [Cries of name, name.] He strongly deprecated such proceedings, and objected to the course adopted by the government under the advice of the Crown law officers, Messrs. Michie and Higinbotham, who understood international law so little that they had to be set right by Mr. Fellows. In fact, the government knew as little of international law as they did about tariffs. He protested against the public being thus dragged through the dirt and made subjects of ridicule for the English press, at the instance of a government who had no right to act in the manner it had presumed to do. [Cheers.]

The amendment was then put and lost, and the motion was put and declared carried, amid loud cheers.

A vote of thanks to the chairman, and three cheers for the Shenandoah, brought to a close one of the most disorderly meetings which has ever been held in Melbourne.

[From the Herald of February 17, 1865.]

THE SHENANDOAH RECRUITS.

At the Williamstown police court yesterday, four men, named James Davidson, *alias* Charley, Arthur Walmsley, William Mackenzie, and Franklin Glover, were brought up before Mr. Call, P. M., Mr. Hackett, P. M., and Mr. Mason, J. P., charged with a breach of the foreign enlistment act. The information in each case stated, "That being a natural-born subject of the Queen, you did unlawfully, knowingly, and without the leave or license of her said Majesty for that purpose had and obtained under the sign manual of her Majesty, or signified by order in council, or by proclamation of her Majesty, enter yourself and agree to enlist and enter yourself, to serve as a sailor, and to be employed and serve in and on board a certain vessel-of-war, fitted out, used, equipped, and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign power or people, exercising and assuming to exercise the powers of government, to wit, the Confederate States of America."

The prisoners were thus described: Davidson as a native of Scotland, aged 22; Walmsley as an Englishman, aged 17; Mackenzie as an Englishman, aged 22; and Glover as an American, aged 24.

Mr. McDONNELL, instructed by a clerk from the Crown law offices, appeared for the prosecution. The prisoners were undefended.

Mr. McDONNELL asked for an adjournment, as he had only just been instructed, either for two hours or until the next day.

The prisoners, however, said they were ready to go on.

The bench, therefore, thought it would be unfair to keep them in custody any longer than was necessary.

Eventually the case was adjourned for an hour.

On the court resuming, Mr. McDonnell said that the proceedings were instituted under act 59, George III, cap. 69, commonly known as the foreign enlistment act. He would

prove that the prisoners went on board the Shenandoah in these waters, and within the jurisdiction of this colony, for the purpose of entering into the service of a belligerent state, with which this country was not at war. He would further prove that they were British-born subjects; that they were on board; that they were seen to get over the side of the vessel into a boat, come ashore, and that on reaching the shore they were apprehended; and further matters, in the way of conversation that then took place between them and the police who apprehended them. That would be sufficient to satisfy the requirements of the statute. A case was decided in the exchequer chambers at home in which the law was fully gone into, and although that was for equipping a vessel for war, the same act applied. The case was known as the "Alexandra" case. The point submitted for the adjudication of that court did not arise directly in the present instance, but the principle did incidentally. He was then proceeding to call evidence, when

Mr. CALL asked whether it was proposed to make it a joint prosecution, and mentioned that in a superior court an indictment could not be filed against all together.

After some discussion, Mr. McDonnell elected to proceed first against Davidson, *alias* Charley. The others were then removed, and the following evidence called:

RICHARD WARDLE, watch-house keeper, said that on the 14th instant the prisoner was brought to the lock-up in company with three others. He gave the name of James Davidson, and said he was a native of Scotland. (The witness then read the entry which showed the prisoner was brought in at ten minutes past ten o'clock at night; that he was a Protestant, and that he could read and write.)

JOHN WILLIAMS deposed: I belong to the United States of America. I was taken from the bark De Godfrey, on which I was employed, by the Shenandoah, on the 7th November, 1864. I entered on board the Shenandoah in the capacity of cook. (The witness was here asked as to the circumstances under which he joined the Shenandoah, but the bench ruled that it was unnecessary and also unadvisable to try and turn the proceedings into a sensation trial.) I arrived here on the 23d January. I know the prisoner; he gave his name as Charles. He came on board two days after we arrived. He was employed as assistant cook to the wardroom officers. When he came on board he had on the clothes he now wears. While on board he wore the confederate uniform. I had a conversation with him while he was on board. I asked him where he belonged to. He said London. I asked him what ship he came by, and he said the Great Britain. He said he would like to ship on board the Shenandoah, and while we were talking, Sailing Master Bullock came into the galley where prisoner and I were. That was about a week after the prisoner came on board. Mr. Bullock asked prisoner what he wanted in the ship. He told him that he came to join the ship. Mr. Bullock told him to keep out of sight while the visitors were on board.

To Mr. Call: At that time the prisoner had on the ship's uniform.

To Mr. McDonnell: When told to go out of sight, the prisoner went into the forecastle. Mr. Bullock told the master-at-arms to lock the forecastle door, and to allow no visitors in. The prisoner at that time was in the forecastle. I left the vessel on the 5th February. The prisoner was on board then.

To Mr. Call: Prisoner at that time was cooking. When the visitors went ashore he came out, and in the morning when they began to arrive he went into the forecastle again. He was let out at night to get his hammock on the berth-deck. He slept next me. I cooked the "grub" for him, and sometimes took it to him myself. At meal times the master-at-arms unlocked the door, passed the "grub" in, and then relocked the door.

JOHN MCDONNELL. The prisoner got his uniform from Griffiths, a seaman. While on board the first lieutenant also spoke to the prisoner on several occasions. The prisoner wore his uniform when Lieutenant Whittle spoke to him, and was in the galley cooking.

To Mr. Call:. The lieutenant told him he dare not ship him while in port, but ordered him to keep out of sight, and said he would ship him when out of port.

PRISONER. Did I ever tell you my name?

WITNESS. Yes, you did.

PRISONES. When?

WITNESS I called you Bill when in the galley, and you said, "My name is not Bill, it is Charley."

PRISONER. Think again. You are mistaken.

WITNESS. You asked me for a razor to shave with, and I gave you one.

To Mr. Call. It was on the second day when the prisoner asked for a razor. Before that he had full whiskers. (The prisoner appeared in court with simply a moustache and chin tuft.) He said he wanted to disguise himself so that people would not know him. He then shaved himself as he now appears.

WALTER J. MADDEN. I am a native of Boston. I was a seaman on board the bark De Godfrey. I was taken out of her on the 7th November, 1864, by the Shenandoah. I went from the De Godfrey and entered the Shenandoah as a seaman. After going on board I was rated as master of the hold. We arrived here on the 25th January.

To Mr. Call: This is the first port we touched at since I joined the Shenandoah.

To Mr. McDonnell: I know the prisoner. He first came on board a day or two after we arrived here. He worked in the galley, and he had on the ship's uniform. I had some conversation with the prisoner. I asked him what he was doing on board, and he said he came

to join her if he could. Visitors were on board while I was there, and the prisoner was in the forecastle while they were there. The forecastle was locked while he was there by the master-at-arms. He got his dinner in the forecastle at twelve o'clock. Dinner used to be passed in to him in the forecastle. It was passed in by the cook's mess-boy. I never saw Williams pass it in, but I have seen Quartermaster Wiggins do so.

To Mr. Call: It was passed in through the cable hole, which was large enough for a man to get through. There was a door to that hole which was not locked, although it could have been. It was kept shut.

To Mr. McDonnell: While visitors were on board the prisoner was locked up in the forecastle; after they left he used to come out in the evenings. We used to call him "Charley" on board. He slept in the fore hatch, and I slept aft. I left the vessel on the 6th; I think a week last Monday. When I left the vessel Charley was then on board. He usually wore the uniform "pants." He wore them all the time he was on board. I have seen him wear the uniform cap sometimes.

To Mr. Hackett: It was a gray cap, with two red and one white stripes round it.

To Mr. McDonnell: I have seen the petty officers speaking to him, and he then had on the uniform. One was chief boatswain's mate, and another the master-at-arms. I saw them speak to him every evening. I was not present when any order was given to the prisoner by the officers. His general work was cooking in the galley.

The prisoner said he did not wish to ask any questions.

WITNESS (to Mr. Call:) There had been many workmen about the vessel, but none of them slept on board for the night. We had no hired labor for the galley. While the prisoner was in the forecastle, which was ordinarily used as a storeroom, there were other persons there besides those who had come in with the ship. The prisoner is the man concerning whom I laid an information the other day. The muster was twice called over while we were in port, and while I was on board, by the chief lieutenant, at about nine or ten o'clock in the morning. Every one who was on the ship's articles was mustered. The boatswain sung out, "all hands to quarters." The men were mustered by their numbers at the guns. The carpenters and others were not called over; excepting for men at the guns, no roll was taken. The second lieutenant and the quartermaster went round to see after the others. On the first Sunday in every month all hands were mustered and the laws read out.

To Mr. Hackett: I do not belong to the ship now. I have come ashore, [laughter,] and am not going back.

Mr. MCDONNELL wished the witness to explain, but it was considered unnecessary.

CHARLES BINCKER said: I am a native of Germany. I was taken from the bark Alina, on which I was a seaman, by the Shenandoah, on the 29th October. We were then at sea. I know the prisoner. I first saw him about twelve days ago, and five or six days after we arrived. I left the vessel last Sunday. From the time when I first saw him, until I left, he continued to be on board. I heard him called Charley.

To Mr. Call: He was acting as cook in the galley.

To Mr. McDonnell: He wore gray clothes; the uniform of the vessel. He wore gray trowsers and a gray cap, with two red stripes and a white one in the centre. I saw visitors come on board; while they were there Charley was in the forecastle. At dinner-time he was in the forecastle; he used to get his dinner there. He was locked up in the forecastle. He got his dinner from the mess cook's boy. It was passed through the cable hole. I have seen the master-at-arms unlock the door. When the visitors went away, the prisoner went into the galley and was cooking.

To Mr. Call: He got out sometimes through the hole and sometimes he was let out. I have never seen him come out or go in. I have seen the master-at-arms lock the door.

To Mr. McDonnell: He slept in a hammock on the berth-deck.

To Mr. Call: I never saw any of the officers talking to him while I was on board.

Herman Vecher sworn:

I am a native of Germany. I was on board the Alina with the last witness in October last, and was taken from her by the Shenandoah. I arrived here in the Shenandoah in January last. I know the prisoner. I saw him on board about seven or eight days after we arrived. I left the vessel last Sunday, and until I left I saw him continually on board. He was in the galley as cook. He wore the uniform. I have seen him in the forecastle in the day time—after breakfast and during the dinner hour. He used to have his breakfast in the forecastle. When visitors were on board he was in the forecastle. After they had gone I used to see him in the galley. He slept between decks in a hammock. I have spoken to him about the Shenandoah, and he told me he had joined her as cook. I have not heard the officers speak or give orders to him.

The prisoner said he did not wish to ask any questions.

Witness recalled:

While I was on board I never saw any officer go into the forecastle to see who was there.

To Mr. Call: The master-at-arms was the officer in charge of the forecastle.

Alexander Minto sworn:

I am a senior constable of water police stationed at Williamstown. I was in charge of the police-boat on the night of the 14th instant; shortly after 9 o'clock, at the patent slip on

which the Shenandoah was, I saw a boat haul up to the gangway of the Shenandoah. One of the officers of the Shenandoah was standing at the gangway; he had his uniform on. I saw one of the boatmen, George Nicholls, go on board, and in a short time, a second or two, four men, James Davidson among them, came down to the boat. Another waterman, Clarke, remained in the boat. When I saw the four men go into the boat, I hauled alongside and spoke to them, Charley being present. I asked them who they were, and what they had been doing on board.

To Mr. Call: I think the officer at the gangway could have heard me.

To Mr. McDonnell: They said they had been working at daywork on board. One of them had a bundle in his breast. I heard a call of George from the ship, which I took to be from the officer at the gangway, and immediately I saw Nicholls come and slide down into the boat. The boat then at once pulled ahead. I followed them, but lost sight of them on the water. I returned at once to the patent slip, and ran up to the railway station, and saw two of them on the platform. I searched and found the two others in the water-closet. Charley was one of the two that were walking on the railway platform. I went to them and asked them why they hurried away from the ship so quickly. They seemed to hesitate, and then said, "Oh! the Shenandoah you mean." I think it was Charley who said that. They asked what I wanted, and spoke of the train having just started, and I told them there was another. I asked them to accompany me, and they did so. On the way I spoke to all of them. Charley said he was sorry he had to leave her; that he had sold everything he had to join the ship. I asked him what ship he had been in last, and he said he came out from London in the Indemnity. I took them to Mr. Lyttleton, superintendent of police.

The prisoner asked the witness no questions.

Thomas H. Lyttleton sworn:

I am a superintendent of police. On the morning of the 14th I went on board the Shenandoah, while she was on the patent slip. I saw Captain Waddell. I believe he is the captain of the vessel. I went on board to ask him to allow me to execute a warrant. (The witness was then asked as to his conversation with Captian Waddell, but the question was ruled to be inadmissible, although it was explained that the object was to prove the nationality. The bench said Mr. Lyttleton's own conclusions could be taken.) I saw a flag on board, which I believe to belong to the Confederate States of America. I had with me the warrant produced, and I told him the purpose for which I went on board, but I was not allowed to effect it. I know the vessel to be commissioned by the Confederate States of America. The warrant was for the arrest of one Charley, but I was not allowed to execute it. I was a quarter of an hour on board. I am able to say she is a confederate States vessel.

To Mr. Call: I had had a description of Charley, and saw him during that night. I recognized him, and had a conversation with him. He was brought to me by Senior Constable Minto, and I at once said, "I believe you are the very Charley I want." He laughed, and said it was a great joke on board about Charley being wanted. He said he was not the man. He said he was cooking for the wardroom mess, and I said I thought he looked like a cook. I sent him to the lock-up with two constables. He said he had been a few days on board, and that he picked up his meals from among the men. He expressed disappointment at not being able to go.

The prisoner asked the witness no questions.

Mr. McDonnell stated that that was his case.

The court then adjourned for half an hour, and on resuming—

Mr. McDonnell asked the bench to give their decision, as otherwise he should not be in a position to proceed with the other cases.

Mr. Call stated that the bench were prepared to give their decision, and then asked the prisoner the ordinary questions.

The prisoner said that he had never given the name of Charley. The statement was false altogether, and they had perjured themselves who said so.

Mr. Call (addressing the prisoner.) The bench are of opinion that you have brought yourself within the act referred to, and have so served on board a vessel fitted out for warlike purposes. You are therefore committed to take your trial at the supreme court. Bail will be allowed, yourself in £50, and one surety in £50, or two in £25 each. He was then removed.

Franklin Glover was then placed in the dock.

Mr. McDonnell said that there was no evidence against him, and that the case would therefore be withdrawn. He was an American.

The bench then ordered his discharge, and he was set at liberty.

William Mackenzie was then brought forward

When the information was read over to him, he stated that he had nothing to say.

John Williams was then recalled:

He said: I first saw the prisoner on board on 29th of January. He wore citizen clothes—no uniform at all. When visitors were on board he was in the forecastle; when they left, he was out on deck. I never saw any of the officers speaking to him. I never had any conversation with him, and he never spoke to me more than to ask when the ship was going away. I said I did not know. I cooked the grub and sent it to the prisoner by the boy.

I saw the forecastle door unlocked after supper, when the visitors had gone ashore, by the master-at-arms. After it was unlocked, I saw the prisoner come out on deck.

The prisoner said the forecastle door was open all day.

WITNESS (to the prisoner.) You had been on board for three days without regular rations, when I went to Mr. Grimball, the second lieutenant, and asked what was to be done with you and the others in the forecastle, and he gave me directions to the master-at-arms to get rations and supply them to you in the forecastle, the same as the others. I got them cooked and supplied them to you in the forecastle.

To Mr. McDonnell: The prisoner slept in the berth deck.

The prisoner said he slept in the forecastle.

WITNESS (to Mr. Call). There were about twelve men in the forecastle who had come from the shore and wanted to join the ship. None of them arrived with the ship.

Walter J. Madden recalled, deposed:

About four or five days after I arrived in the Shenandoah I saw the prisoner on board. He was not engaged in anything. When I left on the 7th February he was then on board. He was in the forecastle, and his meals were carried in to him. When the visitors had gone he used to come out on deck in the evenings. He used to sleep in the berth deck. He spoke to me with reference to joining the ship. He said he had not been long going to sea, and that he would like to join as ordinary seaman. He said he came on board to join the vessel. I did not hear any orders given by any of the officers to him.

To the prisoner: It was the night she broke adrift that you remarked to me you had not been long going to sea, and that you would like to join as ordinary seaman.

Charles Bincker recalled, deposed:

I first saw the prisoner on board the Shenandoah about five days after we arrived here. He holystoned the deck on Saturday last. He wore his own clothes, and was on board when I left the vessel on Sunday last. He slept in the berth deck and had his meals in the forecastle, the door at the time being locked. I have seen the master-at-arms open the door while the prisoner was there, as he always was when visitors were on board. I had no conversation with him. I do not know who ordered him to holystone the deck.

Herman Vecker recalled, said:

The prisoner came on board about five days after we arrived here. He worked on deck with the holystones. For the first four or five days he was in my mess between decks, but after that he received his meals in the forecastle, where he was when visitors came on board. I do not know who told him to go to work. I did not have any conversation with him. When he first came on board there were no locks on the doors, but afterwards, when more men came, there were two locks. I have seen the quartermaster unlock the door and hand meals in to the prisoner.

The prisoner asked this witness no questions.

Alexander Minto was then recalled, and deposed to the arrest of the prisoner, in much the same terms as in the previous case. The prisoner said he had lately been in the hospital, and that he had taken six trips in the City of Hobart. He also said, "I am sorry I cannot go in her now: I should like to have gone in her."

Richard Wardle, the watch-house keeper, was then recalled to prove the entry made on the night of the prisoner's arrest, from which it appeared he declared himself an Englishman.

Thomas H. Lyttleton, superintendent of police, repeated his former evidence.

That being the case for the Crown, the bench retired to consider their decision.

After a short absence they returned, and the prisoner was asked whether he had anything to say in his defence.

The prisoner said: All I can say is, that I was not aware that I was breaking any law in going to join this vessel. I have been out of a ship for some time, and I thought I might as well try and get some employment as soon as possible.

Mr. CALL. I do not think you are mending your case by making such statements.

PRISONER. I have nothing more to say.

Mr. CALL (to Mr. McDonnell.) The supreme court is now sitting: is it contemplated that the case shall now come on during these sittings?

Mr. MCDONNELL. It is not so intended.

Mr. CALL. Then we might commit them to the general sessions, as it would save time and not keep them in custody so long.

Some discussion then ensued as to whether such a course was permitted, and upon reference it appeared that it was not.

The prisoner was then committed to take his trial at the supreme court, the same bail as in the other case being allowed. He was then removed.

Arthur Walmsley was then brought forward. When the information was read over to him he denied that he went on board the Shenandoah for the purpose of joining her.

Mr. Superintendent Lyttleton deposed to having seen the prisoner on the night of the 14th instant; he said he had been on board a few days.

PRISONER. I said I had been on board only one day.

WITNESS (to the bench.) I cannot recollect exactly what time he said.

Watch-house-keeper Wardle was recalled, and read the entry made when the prisoner was locked up, from which it appeared he described himself as an Englishman.

Charles Bincker recalled, deposed:

I first saw the prisoner on board the Shenandoah after we arrived here. He was painting between-decks on Saturday last. He took his meals with No. 2 mess. He was sometimes in the forecastle and sometimes on deck. He slept in the berth deck. He was on board when I left the vessel. I had no conversation with him. He wore his own clothes.

Herman Vecker recalled, deposed:

I first saw the prisoner on board on the 7th February; when I left the vessel on Sunday he was on board. He slept in the berth deck, and had his meals with No. 2 mess. I have seen him do work on board. I asked him what he was doing on board the Shenandoah, and he said, "I will join as a seaman before the mast." At that time he had been two days on board.

PRISONER. Look here, sir; if I was going to die this very minute, I never spoke to that man there, and if Fox were here he would prove it. I went on board simply to see Fox, who came from the same town as I did.

WITNESS (to the bench.) Fox is a quarter gunner.

Senior Constable Minto then repeated his evidence. The prisoner when arrested said he had gone on board on the day before to see a person who had come from the same town as himself.

That concluded the case.

Mr. Call asked the prisoner whether there were any witnesses that he could call, such as persons from Melbourne, who could say that he was on shore and not on board the ship.

The prisoner said that Captain Duncan Graham, of the Potomac lighter, could prove that he was living on board the lighter up to Tuesday morning. There were several other captains of lighters who could prove the same.

Mr. Call then directed the police to obtain the names and addresses of such persons and to insure their attendance.

The prisoner was then remanded until 11 o'clock on the following day, that the evidence might be produced.

The court then rose.

There was no meeting of the legislative assembly yesterday, owing to a quorum of members not being present.

The four men who were arrested in the attempt to escape from the Confederate States cruiser Shenandoah, on Tuesday night last, were brought up at the Williamstown police court yesterday, charged with infringing the foreign enlistment act by entering or agreeing to enlist themselves in the service of the Confederate States on board that vessel. The court was crowded during the whole day, and considerable interest was manifested in the proceedings. After some discussion it was resolved to take each case separately, and that of Davidson, *alias* Charley, to search for whom the warrant was issued, was first proceeded with. It was shown by several witnesses, who were until lately members of the crew of the Shenandoah, that the man was not seen on board until after the vessel arrived in these waters; that he was employed as cook except when visitors were on board, during which time he was locked up in the forecastle; that he had been told by the first lieutenant to keep out of sight until the vessel was out of the port, when he should be enlisted, and that he had spoken to the witnesses of his desire to join the vessel. He was committed for trial at the next criminal sessions, as was also Mackenzie, who, when called on to speak in his own defence, added evidence to that previously given against him. Glover, who, when arrested, declared himself an American, was discharged, it being stated there was no evidence against him. Walmsley, a boy of about seventeen years of age, and against whom the case is somewhat slight, stands remanded until to-day, that he may call evidence to rebut some of the statements made by the witnesses for the prosecution.

The captain of the Shenandoah does not appear desirous of losing any time in taking his departure from this port. The crew were busily engaged during yesterday in taking in coal, and towards evening the sails were being uncovered. It is understood that the vessel will leave to-morrow.

[Enclosure No. 54.]

Testimony of Edward P. Nichols.

MELBOURNE, *February* 3, 1865.

Testimony of Edward P. Nichols, 2d mate of the late bark Delphine:

I, Edward P. Nichols, do solemnly declare that I am a citizen of Searsport, Maine, and have sailed on board bark Delphine from the 23d day of March, 1861, up to the 29th day of

December, 1864; that she sailed from Gravesend on the 12th October, 1864, bound to Akyab; that everything went on well until the 29th December, when we saw a ship on our lee bow, steering a little more to the southward than we were. As we came up with her she had every appearance of a merchant ship. After awhile she hoisted the English ensign, and we hoisted the American ensign. She being very near in our course we ran across her stern, and, as we opened out to leeward, we saw her guns. She then fired a gun and hoisted the confederate flag, having hauled down the English flag a short time before; that we immediately hove to: that they then sent a boat to us with two officers and boat's crew; that one officer went to Captain Nichols and asked him to show his papers; that after looking at the papers he sent the captain and first mate on board the steamer with the other officer, leaving an officer and one man on board armed with cutlass and revolvers; that Captain Nichols was brought back with orders to pack up his clothes, and all on board were ordered to do the same; that they took all cabin stores, liquors, charts, nautical books and instruments, and sent them on board of the steamer, with all hands that belonged to the Delphine; they then set fire to the Delphine, and that is the last I know of her; that after I got on board of the Shenandoah, as they said she was called, we were (the captain, mate, and myself) told to sign a parole not to bear arms or do anything against the confederate cause; that two days before we landed we had a second parole brought for us to sign, with an addition to the first, that we would give no information that we might have gained while on board, and were told that that meant if we knew where she was going to keep it quiet: but I will say this, and not break the parole, that her life buoy had the name Sea King; that her knives, forks, spoons, all bore the name Sea King; that I heard the officers say she was out on this coast (Australia) last year with troops; that I heard the officers say, when they heard the report that was in the papers stating that the Sea King ran on a rock and was lost, "A sharp man, that fellow; but she is not lost yet, for here she is, going into Melbourne under the name of Shenandoah."

EDWARD P. NICHOLS.
2d Mate of late Bark Delphine.

Subscribed and sworn to before me in duplicate this 3d day of February, 1865, as witness my hand and seal of office.
[SEAL.]

WILLIAM BLANCHARD,
United States Consul.

[Enclosure No. 55.]

Testimony of Edward T. Lingo.

I, Edward T. Lingo, of St. Louis, Missouri, do solemnly declare on oath that I shipped as steward, with my wife as stewardess, on the 1st day of October, 1864, on board the American bark Delphine, in London, England; that I saile in said capacity on board said bark from London on the 12th of October, 1864; that nothing unusual occurred until the 29th day of December, 1864, when we fell in with a steamship flying the English ensign. Said steamer fired a blank shot for us to heave to, at the same time lowering the English ensign and hoisting a confederate flag; that the said bark was then boarded by an officer in uniform from a boat from said steamer, the two officers of which boat were armed; that the said boarding officer, who I afterwards learned was named Bullock, ordered Captain Nichols and the first mate to take all the ship's papers and go on board said steamer; that Captain Nichols and the mate did so, said Bullock taking charge of said bark during their absence; that afterwards said Bullock ordered all hands to pack up and go on board said steamer, which order I and my wife and all hands obeyed; that after going on board said steamer I was told by Mr. Whittle, first lieutenant, that I could take my choice either to remain in the cabin of said steamer, wait on Mr. and Mrs. Nichols and others, or go in irons; that I then consented to serve as he said to avoid punishment; that I remained on board said steamer, serving as aforesaid, until the steamer arrived in the port of Melbourne, where I signed a parole, and was than allowed to come ashore.

E. T. LINGO.

Subscribed and sworn to in duplicate before me this 11th day of February, 1865, as witness my hand and seal of office.
[SEAL.]

WILLIAM BLANCHARD,
United States Consul, Melbourne.

[Enclosure No. 56.]

Testimony of Mary Lingo.

I, Mary Lingo, wife of Edward T. Lingo, of St. Louis, Missouri, and stewardess on board late bark Delphine, do declare on oath that I shipped as stewardess on board the bark Delphine, in London, on the 1st October, 1864; that I sailed from London in the said bark about the 12th October, and that nothing unusual occurred until the 29th December, 1864,

when the said bark was boarded by armed men from a steamer, and I, with the rest of the crew, was ordered on board said steamer by a person in uniform, who I afterwards learned was Mr. Bullock, an officer of the Confederate States of America; that upon going on board said steamer I learned first, from a boy called James on board, that said steamer was called Shenandoah, and that she sailed from London as Sea King; that I found Sea King on the plate and table-cloth; that I have now with me a knife marked "Sea King," also a fork marked "Sea King," which I brought from said vessel when I left her in the port of Melbourne, on the 29th January, 1865, and which I now produce.

MARY LINGO.

Subscribed and sworn to in duplicate before me this 16th day of February, 1865, as witness my hand and seal of office.

[SEAL.]

WILLIAM BLANCHARD,
United States Consul, Melbourne.

Mr. Adams to Mr. Seward.

No. 1,036.] LEGATION OF THE UNITED STATES,
London, September 7, 1865.

SIR: In accordance with the desire expressed in your despatch No. 1,512, of the 14th August, I addressed a note to Lord Russell, communicating to him the information referred to as received from Havana. A copy is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 5, 1865.

MY LORD: I have the honor to inform you that by a despatch of the 5th of August, received by the Secretary of State at Washington from the United States consulate at Havana, it would appear that from the 28th to the 30th of July last, a cargo of four hundred negroes from Africa was landed at La Ensenada de Cochinas, a place about fifty miles to the westward of Cienfuegos. It is also stated that Mr. Bunch, her Majesty's consul general, who did not appear to have been apprised of the fact, on being informed of it, promised to call the attention of the captain general to it.

I am directed by the Secretary of State to make this statement known to your lordship.

I pray your lordship to accept the assurances of the highest consideration, &c.

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, *&c.*

Mr. Adams to Mr. Seward.

No. 1,037.] LEGATION OF THE UNITED STATES,
London, September 7, 1865.

SIR: I transmit herewith copies of the Daily News of the 5th and 6th and the Morning Star of the 5th of September, containing reports of the proceedings of a special meeting of holders of the confederate cotton bonds in London on the 4th, together with comments on the same. I should very much apprehend, from the remarks made on this occasion, that the shrewd originators of the scheme have partially succeeded in escaping loss by entailing it upon very simple and ignorant people.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Daily News of September 5, 1865.]

THE CONFEDERATE LOAN

A meeting of the holders of the seven per cent. cotton loan bonds of the Confederate Stat was held yesterday, at the London Tavern, "to consider their altered position, now that t government of the United States has become the *de facto* government of the Confederat States, and, if deemed expedient, to appoint a committee to protect their rights and interests, and generally to take such steps as may be thought advisable."

Admiral Sir P. Wallace was voted to the chair; and, having opened the business,

Mr. CHAMBERLAIN, of the firm of Terrell, Chamberlain & Blake, who, as solicitors to severs of the bondholders, had called the meeting, stated that he was not in a position at that moment to lay before the bondholders the result of any investigation which had been instituted as to the legal rights of the bondholders, that being a question which the committee, if appointed, would have to consider and determine. It was, however, a question for the meeting to say whether it was worth while considering or not. The real question for their consideration was whether the bonds they held were worth the paper they were written on, or the price they had given for them, or their nominal amount, or any other amount. [Hear, hear.] Any one who looked at the matter in a purely legal and international point of view would see that there were questions of the highest moment and the gravest character involved in this loan. First, they had to ascertain whether the contractors, Messrs. Emile, Erlanger & Co., of Paris, or their agents here, Messrs. Schroeder, had money in hand to pay the coupons now due. [Hear, hear.] He had no official communication to make on the subject, but he had heard that there was a sum of money in hand, which, if the parties holding it could be properly indemnified, might be made applicable to the payment of the interest of the loan to some extent, but what the amount was he did not know. This, however, was one of the points to be inquired into if a committee was appointed. The conduct of the contractors by whom the loan was originally issued was another grave question, to which he would only further allude by saying that it might be found advisable for the bondholders to ascertain what were the arrangements made with the contractors by the parties for whose benefit the money was raised, for bringing out the loan at the price at which it was issued, and what arrangements were made to protect the interests of the subscribers. Another question to be inquired into was whether the Confederate States had any property whatever on which the bondholders might be considered to have a preferential lien as against the federal government which had taken possession of the whole of the property of the late confederate government and the Confederate States. This was a very important question, and one that would require careful investigation, for there might be property in England or on the continent upon which the bondholders might be legally held to have the first claim. Upon this point he might just allude to the decision of Vice-Chancellor Wood in the case of the "United States against Prioli," in which the court upheld the right of Messrs. Prioli to a loan of £20,000 upon certain cotton that had been consigned to this country from the Confederate States against the attempt of the federal government to defeat it, and this decision of Vice-Chancellor Wood was, he believed, universally admitted to be good law. Another question was as to the liability of each State forming the Confederate States to its fair proportion of the liability; and then as to the liability of the federal government, which had taken possession of the property of those Confederate States and the property of the confederate government, to discharge the debts which attached to the property. He had hoped to lay before the meeting the opinion of one of the most able of the Queen's counsel upon this point, but although, owing to the absence of that learned gentleman from town, and other circumstances, he had not received his written opinion, he was authorized to state that, having given the matter the gravest consideration, the learned counsel to whom he alluded was prepared to advise that the several States which formed the late confederate government were all of them sovereign and individual States, and as such were each liable for its proportionate share of this loan. [Hear, hear.] And further, that looking at the federal Constitution of the United States, the confederates had not forfeited, nor could they forfeit, their individual and sovereign rights; that they could not be considered to have been in such a state of rebellion as to make the loan void, and that the federal government as a *de facto* government, having taken possession of another *de facto* government, was morally and, according to all international law, legally bound to take this loan upon itself. He (Mr. Chamberlain) would not attempt to argue the question or to give his own impressions upon it one way or the other. He was not a bondholder, and therefore not personally interested. He was merely the agent of a number of gentlemen who were bondholders to a considerable extent, and who considered that these questions ought to be looked into, and they thought it might be well to appoint a committee to investigate and consider them. He ought to add that he had received several letters from bondholders to a large amount, who did not wish their names to be known in connexion with this loan, urging the appointment of such a committee, and with this explanation he begged to leave the matter in the hands of the meeting.

Mr. WELLS inquired if any representative of Messrs. Erlanger or Messrs. Schroeder, their agents, who issued the bonds, was present?

Mr. CHAMBERLAIN was not aware. He had applied to Messrs. Schroeder to allow him to see the contract, but he had not yet succeeded. He had also applied to Messrs. Erlanger, the contractors at Paris, but as yet he had not had the facilities afforded him which he required. He had, however, no reason to suppose that if a committee were appointed Messrs. Erlanger or Messrs. Schroeder would withhold from them the fullest information.

Mr. GREEN thought good ground had been shown for the appointment of a committee, but suggested that a representation should be made to the President of the United States and to Mr. Seward of the position of the bondholders and of the justice and policy of the federal government taking the debt upon itself. ["Oh," and a laugh.] If there was any money in the hands of the agents, it ought to be divided among the bondholders in payment, so far as it would go, of the interest.

Mr. S. HERAPATH observed that the only claim they could have upon the federal government was in respect of the property seized by them which was hypothecated to the payment of this loan. To that extent, no doubt, they had an equitable claim, but it was not reasonable to suppose that the federal government would hold itself liable for more. Their claim was against the States for whose use the money had been raised, and upon the property belonging to those States which had fallen into the hands of the federal government.

Mr. JOSEPH thought they ought to have information as to the terms of the contract, the parties to the contract, and the parties by whom the money to meet the dividends had been paid. These things could be ascertained more readily by a committee than by a large body of shareholders, and therefore he likewise supported Mr. Chamberlain's suggestion.

Mr. CHAMBERLAIN had prepared a resolution, which would test the feeling of the meeting upon the subject. It was to the effect that, considering the position in which the subscribers to the seven per cent. cotton loan of the late Confederate States were placed, it was advisable that a committee should be formed to investigate the rights and claims of the bondholders, and take such steps to protect and enforce the same as might be deemed expedient. His own opinion was, that the federal government must be looked upon as an independent state conquering another independent state, and therefore internationally and morally bound to take upon itself the liabilities of the conquered state. According to the Constitution of the United States there were means of trying the question as to the lien of the bondholders upon the property hypothecated to the payment of the debt, and which had been since seized by the federal government; but whether a bondholder would have a chance of establishing his claim in a United States court of law he was not prepared to say. This, however, would be a question for the committee to consider.

A BONDHOLDER expressed regret that the contractors, or the agents, Messrs. Schroeder, who had profited largely by the transaction, had not volunteered information and assistance, but he trusted that they would aid the committee when it was formed as far as they could. He agreed with Mr. Herapath that they must look to the Confederate States rather than to the federal government. He objected to eating humble pie or buttering over the federal government. These southern States would want money at some future time, and they would find it to their interest to pay this debt, which, spread over them all, amounted to a mere nothing.

Other bondholders contended for the liability of the federal government to the debt on the ground that they had conquered a confederation of independent and sovereign States, not a number of dependent States fighting in rebellion. It was urged that the bondholders had at least an equitable lien upon all the cotton which had been seized by the federals, and, so far as that would go, the federal government were in law and in equity bound to satisfy the claims of the bondholders.

Mr. SEBAG questioned the policy of naming the committee at that time, seeing that so many of the bondholders whom it might be desirable to appoint upon it were out of town, while others, from natural disinclination or timidity, were absent. He recommended in dealing with the subject, a policy of conciliation and good nature mixed with some little confidence. He proposed that they should adjourn the meeting for a fortnight, and then, the matter having been in the meanwhile ventilated, they might appoint the committee.

Mr. HERAPATH seconded this proposal.

Mr. GREEN, on the other hand, insisted upon the importance of appointing a committee at once, otherwise there would be no responsible or authorized body to see the contractors and agents, and to act on behalf of the bondholders. Delays were always dangerous in matters of this kind.

A conversational discussion of some length ensued, the result of which was that the resolution suggested by Mr. Chamberlain was carried, and the meeting was adjourned to the 18th of October, a temporary committee, consisting of the chairman, Mr. Morgan, (who, it was stated, held bonds to a very large amount,) and Mr. Chamberlain, being appointed to act in the mean time, and to suggest at the adjourned meeting the names of those bondholders who might be considered most desirable to form the permanent committee.

A vote of thanks to the chairman concluded the proceedings.

[From the London Daily News of September 6, 1865.]

Now that the confederate bondholders have held their meeting, the world has been furnished with a measure of the ignorance and folly which concurred to impel a number of Englishmen, sensible enough in the ordinary business of life, to participate in an adventure that was certain some day to end in loss and ruin. We limit this observation to the persons who took an approving part in the proceedings at the London Tavern on Monday. The large bondholders were not present, having intimated that they did not wish their names to be known in connexion with their holdings—a feeling which was shared by some who felt that their position, as one of them expressed it, was sufficiently "stupid," although their holdings were not large. The meeting was called to consider the loan "as an investment, and not in reference to any political question in any way." Such was the statement of the chairman, which probably means that the bondholders are ready to accept any political theory which may favor the payment of their debt. How in any other sense the altered position of the bondholders which the meeting met to consider can be ascertained apart from questions eminently political, we are at a loss to imagine. Mr. Chamberlain, who took the leading part at the meeting, carried the meeting with him when he observed that "questions of the very gravest character were involved in the business before them"—a reflection which one often hears when people who have lost their money meet together. The first question, according to Mr. Chamberlain, was whether the agents or contractors of the loan had money in hand to pay the coupons. He had heard that they had a little, but how much he did not know. Next was the conduct of the contractors in reference to the loan. He appeared to think that something might possibly come of an inquiry into the circumstances under which the loan was contracted, the price at which the contractors took it, and other details. It is not clear what the bondholders have to do with these questions. The business of the contractors was to buy in the cheapest and to sell in the dearest market. The risk they ran cannot be exaggerated, and the profit, although understood to be sufficient to constitute a large private fortune, was only proportionate with the hazard. We trust that those who, three years ago, bought what they hoped might prove a great bargain, but which they knew to be an extremely speculative security, will show themselves better Englishmen than to quarrel at this time of day with the vendors. Another question was whether what were called the Confederate States of America had any property on which the bondholders might have a preferential lien. This seemed to be the suggestion which had most promise in it. Vice-Chancellor Wood had pronounced a judgment in the case of The United States of America *vs.* Prioleau, upholding against that government a lien which Messrs. Prioleau had upon some cotton which it claimed. The United States government, it is understood, does not recognize that decision, either in its principles or its obligations. Nevertheless, if property can be found belonging to the late confederate government, and judgments favorable to the bondholders can be obtained in our courts, there may be something, though there cannot be much, to divide among the unfortunate creditors. Then came the question of the liability of each State which joined the confederate government for its debts, or a proportionate share of them.

It is here that the intense and invincible folly of the handful of bondholders represented by the speakers at the London Tavern becomes apparent. The least acquaintance with the history of these States, and of the loan, would have preserved them from making themselves, as they have done, the laughing-stock of Europe and America. The seven per cent. cotton loan formed no part of the State debt of any State, nor was it raised on the credit of the several States. It was a gambling loan, its principal attraction consisting in the favorable terms on which its holders were allowed to get cotton from the southern States. At no time during the war had either the States or the confederacy credit upon which they could have procured the sums represented by the loan. More than this, when, in consequence of the doctrine of State rights becoming better understood, and its being perceived that, according to that doctrine the States might go out one by one, and so the confederacy expire, the Richmond government, to invigorate its credit, applied to the several States to guarantee the general debt; the States refused compliance, and the guarantee was not given. But suppose that, instead of refusing, they had complied, in disregard of the claims of their allegiance which the government of the Union never ceased to assert, what would be the legal or practical worth of such an obligation to the bondholders after the government of the Union had completely vindicated its authority? It is more than absurd to revive the theory that the seceded States were never in rebellion, that their people were never liable to be treated as rebels, but that each State was and is sovereign. That theory came upon Europe in 1861 as a surprising novelty; it was a theory which there was only one way of making good; that way was tried and failed. If Generals Lee and Johnston could not make good that theory, will a committee of creditors of the rebel States be able to do so? The idea of the federal government being liable for the debts of the persons who combined to resist its authority is simply amusing—so amusing that we could wish that Mr. Chamberlain could be induced to go and urge that view at Washington. Anything more comical than a faithful report of his interview with Mr. Seward would certainly prove has not been produced on any stage. Imagine anybody deliberately giving out three years ago that he was going to lend money to the States of the Union which had thrown off their allegiance to

the federal government, feeling confident that if they made good their independence they would pay the interest on the money; and that if they did not, the federal government would be bound to assume the debt. Such a person would have been thought to have qualified himself for a cell in Bedlam. The first man he met in the street would ask him whether he had ever heard or read of a government acknowledging as its creditors those who had supplied money to enable states or provinces to throw off its customary or constitutional authority.

But it is notorious that the money was lent with no such expectation. The federal government took measures as soon as the loan was announced to inform all whom it might concern that the money was being raised for an illegal purpose, and that under no circumstances would it incur any liability in respect of it. The whole conduct of Mr. Lincoln and Mr. Johnson towards the seceding States is based upon the assumption that they have never been out of the Union; that, consequently, they never ceased to owe allegiance to the Union government; and that thus all their acts done while in secession were without legal validity. But not only is this the theory of the federal government: it is the doctrine of the southern States themselves. The bondholders, we presume, read the telegrams. Let them attend to the reports from the State of Mississippi now in course of reconstruction. The convention of that State began its labors by annulling the ordinance of secession; then it cancelled all laws and acts passed while the State was in rebellion, subsequently re-enacting such of them as were not repugnant to the federal Constitution. The theory of State sovereignty is thus blown to the winds with the government which it was invented to support. The bondholders may read in these facts the secret of their position. They lent their money to an adventure which has failed, to a pretended government which never had any recognized legal existence, and which was unable to maintain itself, which has perished without leaving any heir or any representative. In a word, they have lost their money. This is true of all of them, and, after Monday's meeting, we must add that some of them have besides lost their good sense, their personal dignity, and the sentiment of what is becoming in Englishmen.

THE CONFEDERATE COTTON LOAN.

A meeting of the bondholders was held yesterday in the London Tavern to consider their altered position, the government of the United States having become the *de facto* government of the Confederate States, and, if deemed expedient, to appoint a committee to protect their rights and interests, and generally to take such steps as might be thought advisable.

Mr. CHAMBERLAIN, solicitor, announced that on the part of certain bondholders he had called the meeting. He had made arrangements for a gentleman to take the chair, but at the last moment he was disappointed. The meeting had been called by him on behalf of several gentlemen who were large bondholders, but, unfortunately, those who were the largest holders did not wish to appear publicly in the matter, and therefore he suggested that if they wished any gentleman to take the chair they would propose his name. The meeting was called to consider the question as an investment, and not in reference to any political question in any way. If no other chairman was proposed, he would propose that Admiral Sir Provo Wallis should take the chair. [Hear, hear.]

The chair was accordingly taken by Admiral Sir P. Wallis.

Mr. CHAMBERLAIN said he was not in a position to put before the meeting any result of investigations as to the rights of the bondholders. That was a question for a committee to consider and determine upon. All he proposed to them was that they should decide whether the question was worth considering. [Hear, hear.] No doubt the real question they had to consider was, whether the bonds were worth the paper they were written on, or worth the price they had given, or their nominal amount. He was convinced that questions of the very highest moment and of the gravest character were involved in this loan. The first question was, whether the agents or contractors of the loan had any money in hand to pay the coupons. [Hear.] He had no official communication to make, but he had heard there was a sum of money applicable (if the parties could be properly indemnified for making the application) to the payment of the interest on the loan to some extent. Another grave question for consideration was the conduct of the contractors in reference to the loan. [Hear.] It might be advisable for the shareholders to investigate the circumstances under which the loan was contracted, and the arrangements made by the gentlemen who brought out the loan; the price at which they did it, and the steps they took before they made the representations to the public they did. [Hear, hear.] Another very grave question was, whether what were called the Confederate States of America had any property on which the bondholders might be considered to have a preferential lien—[hear, hear]—as against the federal government, that had taken possession of the confederate property. That was a question requiring considerable investigation. There might be property in England or on the continent on which it was possible the bondholders might be considered to have a preferential claim. [Hear, hear.] He begged to call attention to the decision of Vice-Chancellor Wood in the case of the United States of America *vs.* Prioleau. In that case his honor upheld the lien against the federal government. The United States government tried to defeat the *bona fide* claim of Messrs.

Prioleau for £20,000 advanced by them on cotton, and Vice-Chancellor Wood upheld their claim on the cotton. Then came the question as to the liability of each State forming the confederate government to pay this loan or their proportionate part of it. Next came the question as to the liability of the federal government, that government having taken possession of all the property of the confederate government. He had hoped to be able to lay before the bondholders that day the written opinion of one of the most able of her Majesty's counsel on this grave question, but in consequence of that counsel's absence from town he (Mr. Chamberlain) had not obtained his written opinion; but he was authorized to state that, after counsel had given the matter grave consideration, he was prepared to advise the bondholders that the States forming the confederate government, as individual and sovereign States, were each liable for its portion of this loan. [Hear, hear.] And counsel was of opinion, looking to the federal Constitution of the United States, that the Confederate States did not forfeit their sovereign rights, and could not have been considered to be in a state of rebellion so as to make the loan void, but that the federal government having *de facto* taken possession of the property of another *de facto* government, morally and internationally, the federal government ought to take upon itself this loan. This question should be looked into, and was sufficient in itself to justify the appointment of a committee. He had received several letters from gentlemen who are large bondholders and are most anxious that a committee should be appointed, but who did not wish that their names as large bondholders should be known. [Hear, hear.]

In reply to a question,

Mr. CHAMBERLAIN said that he did not know whether any representative of the agents who contracted the loan was present. He had applied to the Messrs. Schroeder, the contractors in London, to see the contract, but had not been enabled to see it. He had also applied to Mr. Erlanger, of Paris, to let him see it, but he had not succeeded. He had no reason, however, to suppose that they would withhold information respecting the loan. But, considering the circumstances, the agents might say they were not going to give information to every bondholder, but if there was any person to represent the bondholders *en masse* they might give t.

Mr. WILLS said he had asked for information at the office of Mr. Schroeder on Saturday, and the only answer he could get was: "No funds." [Hear, hear.]

Mr. GREEN suggested that it would be a question for consideration whether it would not become them to bring their claims before the President and Mr. Seward.

Mr. SPENCER HERAPATH thought it would be unreasonable to think that they should have a claim on the federal government beyond the amount of property belonging to the confederate government, of which the federal government had taken possession.

Mr. JOSEPH asked for an explanation respecting the nature of the contract. From whom had the money been received with which the dividends were paid? They were entirely in ignorance of the nature of the contract, and with whom they had contracted.

Mr. CHAMBERLAIN said the question involved was, whether the Confederate States of America might be considered in a state of rebellion, so as to allow of their being treated as rebels. He was advised that the federal government must be looked upon as a state conquering another independent state. Each one of the Confederate States was and is a sovereign State; the federal States were also sovereign States, and the federal government must be looked upon as a sovereign state conquering another sovereign state. The government that displaced the other must internationally and morally take upon itself all the liabilities of the government displaced. Whether there was any chance in the courts of the United States of establishing these bonds against the federal government he was not prepared to say; but that was a question for a committee, and one which the men who had advanced their money should not lose sight of. In conclusion he read a resolution for the appointment of a committee.

A BONDHOLDER expressed his regret that they had not Messrs. Schroeder's assistance there that day; but he hoped they would aid the committee by their co-operation. He quite agreed in the opinion that they must look to the Confederate States more than to the federal government. Every man in the Confederate States must feel that he was bound to pay this debt.

Another BONDHOLDER contended that the federal government, having conquered the confederate government, had a right to pay this debt, and ought honestly to acknowledge it. That would be the way to show the south that the people of the north had something like heart about them.

Another BONDHOLDER feared there was no chance of the federal government recognizing the late confederate government as a legitimate one. The bondholders had certainly a lien on all the cotton that had been seized, and that would be amply sufficient to meet all their claims.

Another BONDHOLDER asked if it would be desirable to appoint a committee on that day. The gentleman that was originally to take the chair was not present, and other bondholders were likewise absent.

Mr. SEBAG explained that many bondholders did not like to come there, lest they should be considered to be in a stupid position as holders of confederate bonds. [Laughter.] It occurred to him that it would be worth their while to adjourn the meeting, so that the matter might be ventilated, and the agents might come there and see what could be done.

Mr. GREEN objected to the adjournment. By appointing a committee that day they would

put a price upon their stock considerably above what it was at present. That would show that they were determined to make a beginning.

Mr. CHAMBERLAIN thought it was the universal opinion that a committee should be appointed. If they appointed the committee, no step could be taken by that committee without reporting to another meeting of bondholders. He pledged himself to make every inquiry, and they would be called together on a future day to consider who should be on the committee.

The CHAIRMAN promised to give all the assistance in his power to get back the money they had advanced. What, he asked, would be their debt when divided amongst the seven Confederate States? [Hear, hear.]

At the close of the discussion the following resolution was passed:

"That, considering the position in which the subscribers to the seven per cent. cotton loan of the Confederate States of America are placed, it is expedient that a committee should be appointed to consider the rights and claims of the bondholders, with instructions to report to a subsequent meeting before taking any steps to protect the same."

Some further discussion ensued, and the meeting came to the conclusion that the committee should be named at the next meeting. The following resolution was then passed:

"That the chairman, Mr. Morgan, and Mr. Chamberlain, be requested to act as a temporary committee on the part of the bondholders, and that the meeting be adjourned to the 18th of October."

A vote of thanks was passed to the chairman, and the meeting accordingly adjourned to the 18th of October.

Mr. Adams to Mr. Seward.

No. 1039.] LEGATION OF THE UNITED STATES,
London, September 7, 1865.

SIR: In connexion with your despatch, No. 1481, of the 20th July, directing me to make a demand for the restoration of the St. Mary's to her owners, I have the honor to transmit copies of my note to Lord Russell, of the 10th of August, and of his reply on the 16th of the same month.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 10, 1865.

MY LORD: From information received officially by my government, there is reason to believe that the person named John C. Braine—heretofore doubtless known to your lordship in connexion with certain outrages on the steamers Chesapeake and Roanoke, from the consequences of which he took refuge in her Majesty's colonial possessions—had once more made his appearance off the port of Kingston, in the island of Jamaica, some time in the month of June last in a schooner named the St. Mary's, and belonging to certain parties in the United States, which had been seized by him and his coadjutors on the 1st of April previous, at the mouth of the Patuxent river, on the Chesapeake bay. It further appears that this vessel was ultimately carried into the port of Anotta bay, on the north side of the island, where she now remains abandoned by these parties. Braine is stated to have escaped to some point on this side of the Atlantic.

Moreover, it is stated that a claim for the restoration of this vessel has been made by the vice-consul of the United States upon the governor of the island, for the benefit of the true owners, who are citizens of the United States.

I have the honor to inform your lordship that I am instructed to solicit an investigation of these allegations so far as they relate to the attempt further to abuse the neutrality of her Majesty's territory, after all pretence of an insurgent authority had disappeared in America. And should the facts prove to be as stated, I am directed, respectfully, to demand that the vessel be restored to its owners, as well as to suggest to your lordship the expediency of giving the necessary powers to the colonial authorities of that island to place her at the disposal of the vice-consul of the United States at Kingston, with a view to that end.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,
CHARLES FRANCIS ADAMS.

The Right Honorable EARL RUSSELL, *&c.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 16, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, relative to a schooner named the St. Mary's, which has been taken to Anotta bay, in the island of Jamaica, and is claimed by the United States government on behalf of the owners, and I have to inform you that the case of this vessel has been referred to the land officers of the Crown.

I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c.*

Mr. Adams to Mr. Seward.

No. 1042.] LEGATION OF THE UNITED STATES,
London, September 7, 1865.

SIR: In connexion with my despatch No. 964, of the 25th of May last, I have now the honor to transmit a copy of a note I received from Lord Russell, dated the 30th of August, in reply to mine addressed to him so long ago as the 20th of May. I am now drawing up a form of reply which seems to be called for by the repetition of singular misconceptions in the historical narrative that require prompt rectification; but I shall not be able to get it ready in season for this steamer. As his lordship's note seems to be intended to convey a distinct proposition for the consideration of the President, I send it forward at once.

I am very glad to perceive the conciliatory and friendly tone of his lordship. It was not quite so visible in the early days of my correspondence with him, when his prejudices were fresh. I have never considered him as actuated by unfriendly feelings, but for a considerable period he certainly acted as if he feared to be suspected of good will. It is pleasant to find the pressure has been taken off.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *August* 30, 1865.

SIR: Having purposely delayed an answer to your letter of the 20th of May, I now resume our correspondence at a time when the civil war has entirely ceased—when the whole territory of the United States is subject to the government of the Union, and the United States have not an enemy in the world. I resume it, therefore, at a time such as was foreseen in your letter of the 23d of October, 1863, "favorable for a calm and candid examination, by either party, of the facts or principles involved in cases like the one in question.

I resume it also at a time when Mr. Seward has recovered from the injuries he received from an accident and the wounds inflicted by an assassin, and is therefore able to apply his remarkable powers of mind to the questions at issue. I take this opportunity of saying that no one rejoices more than myself at this happy recovery from injuries so serious.

In continuing, in this state of affairs, our correspondence, I must again express my satisfaction at finding that you do justice to the impartial intentions of her Majesty's government. I must here repeat that you have never permitted yourself to doubt the favorable disposition of the Queen's ministers to maintain amicable relations with the government of the United States, and you attribute the avoidance of the gravest of complications to the full conviction that her Majesty's government has never been animated by any aggressive disposition towards the United States, but that, on the contrary, it has steadily endeavored to discountenance, and in a measure, to check the injurious operations of many of her Majesty's subects.

This decisive testimony from a person of your high character, who has now for four years

ield the confidential position of minister of the United States, accredited to her Majesty, and has hereby been enabled to judge of the intentions of her Majesty's government throughout this long and destructive contest, is most gratifying to her Majesty's government. It is most satisfactory to know that you share in none of those suspicions and indorse none of those charges of an unfriendly and unfair disposition on the part of her Majesty's government with which public writers and speakers have endeavored to poison the public mind in the United States, and to produce ill will and hatred between the two nations.

The question, then, as I understand it, is now reduced to these terms: Whether her Majesty's government have judged rightly the state of a friendly nation disturbed by a formidable insurrection, and whether they have correctly applied the law of nations in respect to their duty toward that friendly nation.

In recapitulating your statements on the subject, you say, "that the injuries thus received by a country which has meanwhile sedulously endeavored to perform all its obligations, owing to the imperfection of the legal means at hand to prevent them, as well as the unwillingness to seek for more stringent powers, are of so grave a nature as in reason and justice to constitute a valid claim for reparation and indemnification."

Differing, as her Majesty's government do, from your statement of the facts upon which the judgment of the two governments is to be ultimately formed, I lay down with confidence the following proposition:

1. That the history of modern nations affords no example of an insurrection against a central government so widely extended, so immediate in its operation, so well and so long prepared, so soon and so completely furnished with the machinery of civil government; a national representation, generals and officers of high military reputation, armies fully equipped, and fortifications recently in the possession of the established government.

2. That intelligence reached her Majesty's government in the spring of 1861 that seven combined States had declared in favor of this insurrection; that three more States, including the great and powerful State of Virginia, were preparing to join them; that these States commanded upwards of 3,000 miles of sea-coast; that they comprised more than 5,000,000 of people, exclusive of the negro slaves; that the president of the insurgent government had proclaimed his intention of issuing letters of marque and reprisal; that the President of the United States, on the other hand, had proclaimed his intention to establish a blockade of all the ports of the southern States, and that in these circumstances the commander of her Majesty's naval forces on the North American station earnestly solicited instructions for his guidance.

3. That in view of these extraordinary events, unexpected and undesired, her Majesty decided to proclaim her neutrality in this contest; to allow the belligerent blockade of more than 3,000 miles of coast, including, of course, the right of search, detention, and capture on the part of the United States, and, on the other hand, as in duty bound, to recognize in the so-called Confederate States the right of a belligerent power.

4. That her Majesty's government put in force with fairness and impartiality the neutrality they had proclaimed.

5. That the foreign enlistment act which is intended in aid of the duties and rights of a neutral nation can only be applied when a ship is armed or fitted out, or begun to be armed or fitted out; and even in that case only when proof can be obtained that the ship so armed or equipped, or begun to be armed or equipped, is intended for the service of a power at war with a friend or ally of her Majesty.

6. That in the instance of the Oreto, the case justifying the detention of the vessel was not complete; and in the case of the Alabama, the proof was declared to be complete only on the very morning when the owners of the Alabama, having by some means obtained information of what was intended, go away on a false pretence.

7. That the Oreto was begun to be built here, was afterwards detained and tried at Nassau, was acquitted, and was afterwards completed at Wilmington, (Mobile?) a port of the confederates.

8. That the iron-clad rams were detained, and afterwards seized at Birkenhead; that the so-called Canton, or Pampero, was prosecuted and convicted in Scotland; that the Victor, afterwards the Rappahannock, was forced to take refuge at Calais, in order to avoid seizure, and till the close of the war never appeared on the seas.

9. That it is not enough to say that the foreign enlistment act might have been amended and made more efficient unless it be shown that the amendments suggested would have been clearly efficient, and would have been consistent with the laws of a free country.

10. That nothing but the most extensive employment of spies, and informers, and the most arbitrary powers of detention and seizure on the most vague and slight suspicions, could have prevented a British or American merchant, in combination with a confederate enemy of the United States, from sending an unarmed ship to distant neutral waters, from sending arms to the same waters, and from combining the ship and the arms in a hostile cruiser against the commerce of the United States.

11. That the Shenandoah was despatched and armed in this manner.

12. That there was no reason or ground whatever to accuse her Majesty's government of failure in the performance of their international obligations during the four years of civil war, and consequently no valid claim can be made for reparation and indemnification.

With respect to your allegation that the concession of belligerent rights to the confederates was "precipitate and unprecedented," I answer both epithets by saying, first, that our declaration followed, and did not precede your own declaration of the intended blockade of six or seven considerable ports, and the declaration of an intention on the part of the confederates to issue letters of marque; and, secondly, that a sudden insurrection of such magnitude being unprecedented, our recognition of its existence was necessarily likewise unprecedented.

But let me refer for a short time both to the law laid down by your own courts, on this subject, and the state of facts as shown by official documents.

The judgment of the Supreme Court of the United States given in 1862 (Black's Reports, Supreme Court, vol. 4, pp. 666—670) lays down with equal sense and learning the following propositions:

"The right of prize and capture has its origin in the *jus belli*, and is governed and adjudged under the law of nations. *To legitimate the capture of a neutral vessel, or property on the high seas, a war must exist de facto*, and the neutral must have a knowledge or notice of the intention of one of the parties belligerent to use this mode of coercion against a port, city or territory in the possession of the other.

"The parties belligerent in a public war are independent nations; but it is not necessary to constitute war that both parties should be acknowledged as independent nations or sovereign States. *A war may exist when one of the belligerents claims sovereign rights as against the other. A civil war is never solemnly declared; it becomes such by its accidents—the number, power and organization of the persons who originate it and carry it on. When the party in rebellion occupy and hold in a hostile manner a certain portion of territory—have declared their independence—have cast off their allegiance—have organized armies—have commenced hostilities against the former sovereign—the world acknowledges them as belligerents and the contest as a war.*

"'A civil war,' says Vattel, 'breaks the bonds of society and government, or at least suspends their force and effect; it produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge.

"'Those two parties, therefore, must necessarily be considered as constituting, at least for a time, two separate bodies—two distinct societies—having no common superior to judge between them; they stand in precisely the same predicament as two nations who engage in a contest and have recourse to arms.'

"As a civil war is never publicly proclaimed *eo nomine* against insurgents, its actual existence is a fact in our domestic history which the court is bound to notice and to know. The true test of its existence, as found in the writings of the sages of the common law, may be thus primarily stated: when the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, *civil war exists*, and hostilities may be prosecuted on the same footing as if those opposing the government were foreign enemies invading the land.

"By the Constitution Congress alone has the power to declare a national or foreign war. It cannot declare war against a State, or any number of States, by virtue of any clause in the Constitution.

"The Constitution confers on the President the whole executive power. He is bound to take care that the laws be faithfully executed. He is commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States. He has no power to initiate or declare war, either against a foreign nation or a domestic State. But, by the acts of Congress of the 28th of February, 1795, and 3d of March, 1807, he is authorized to call out the militia and use the military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrection against the government of a State or of the United States.

"If a war be made by invasion of a foreign nation, the President is not only authorized, but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge, without waiting for any special legislative authority; and whether the hostile party be a foreign invasion or States organized in rebellion, it is none the less a war, although the declaration of it be unilateral. Lord Stowell (1 Dodson, 247) observes: 'It is not the less a war on that account, for war may exist without a declaration on either side. It is so laid down by the best writers on the law of nations.'

"A declaration of war by one country only is not a mere challenge to be accepted or refused at pleasure by the other.

"This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local organized insurrections. However long may have been its previous conception, it nevertheless sprang forth suddenly from the parent brain, a Minerva, in the full panoply of war.

"The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name, and no name given to it by him or them could change the fact.

"It is not the less a civil war with belligerent parties in hostile array because it may be called an insurrection by one side, and the insurgents be considered as rebels or traitors. It is not necessary that the independence of the revolted province or state be acknowledged in order to constitute it a party belligerent in a war, according to the law of nations. Foreign

nations acknowledge it as war by a declaration of neutrality. The condition of neutrality cannot exist unless there be two belligerent parties. In the cases of the 'Santissima Trinidad (7 Wheaton, 337) this court says: The government of the United States has recognized the existence of a civil war between Spain and her colonies, and has avowed her determination to remain neutral between the parties. Each party is, therefore, deemed by us a belligerent nation, having, so far as concerns us, the sovereign right of war.'

"The law of nations is also called the law of nature. It is founded on the common consent, as well as the common sense, of the world. It contains no such anomalous doctrine as that which this court are now, for the first time, desired to pronounce, to wit, that insurgents who have risen in rebellion against their sovereign, expelled her courts, established a revolutionary government, organized armies, and commenced hostilities, are not *enemies*, because they are *traitors;* and a war levied on the government by traitors, in order to dismember and destroy it, is not a *war*, because it is an insurrection!

"Whether the President, in fulfilling his duties as commander-in-chief, in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions, as will compel him to accord to them the character of belligerents, is a question to be decided *by him*, and this court must be governed by the decisions and acts of the political department of the government to which this power was intrusted. He must determine what degree of force the crisis demands. *The proclamation of blockade is itself official and conclusive evidence to the court that a state of war existed, which demanded and authorized a recourse to such a measure under the circumstances peculiar to the case.*"

The course of her Majesty's government follows the course of events in America.

It appears by the Times of the 3d of May, 1861, that I stated in the House of Commons, the preceding day, (May 2,) "Her Majesty's government heard the other day that the Confederate States have issued letters of marque, and to-day we have heard that it is intended that there shall be a blockade of all the ports of the southern States."

On the 6th of May I stated, in the House of Commons, the intention of the government, formed after due deliberation, to recognize the southern States as belligerents.

On the 10th of May I received a despatch from Lord Lyons making the following announcement:

"I have the honor to enclose copies of a proclamation of the president of the southern confederacy, inviting application of letters-of-marque, and also a proclamation of the President of the United States, declaring that southern privateers will be treated as pirates, *and announcing a blockade of the southern ports.*"

Thereupon, the intention of her Majesty's government, previously announced, was carried into effect, and the proclamation of the 13th of May, 1861, was issued.

It is very remarkable that an English schooner, the Tropic Queen, was captured for a breach of blockade, consisting in the act of landing her cargo on the 13th and 14th of May, 1861.

The offence in this case was committed on the very day that the Queen acknowledged the existence of civil war. The court, in giving judgment, referred to the notorious facts of the secession of the southern States, and proceeded thus:

"These facts as set forth by the President, with the assertion of the rights of blockade, amount to a declaration that civil war exists. '*Blockade itself is a belligerent right, and can only legally have place in state of war, &c.*'"

What you contend for, I imagine, both as to the commencement of the war and as to its close, is, that the United States of America had a full claim to exercise all the rights of belligerents, but that Great Britain had no just claims to exercise any of the rights of neutrals.

This position, however, Great Britain never can admit.

Recognitions by the United States of belligerent rights belonging to insurgents have been frequent; Buenos Ayres, Colombia, Mexico, have been acknowledged by the United States as having belligerent rights against Spain; Brazil and Artigas as against Portugal; Texas against Mexico. But in no case have these insurgent forces sprung up at once, fully armed, to the amount of five millions of men. With respect to the Oreto and the Alabama, I have only again to repeat that, up to the time when the Oreto left these shores, and up to the day when the Alabama escaped on a false pretence, the law officers of the Crown had not, by any legal opinion, enabled her Majesty's government to give any order for the detention of these vessels.

I entirely concur with you that there was no use in giving orders on the 31st of July for detaining a vessel which had made its escape on the 29th. But up to the 29th the law officers had not thought the evidence sufficient to justify detention; and I cannot, by any means, admit, what you seem to insinuate, that the law officers were deficient either in knowledge of the law, or in willingness to apply it.

Her Majesty's government fully accept the responsibility of these opinions.

And it will be observed that the law officers, in addition to the reports of the custom-house officers, were in possession of all the information which it was in your power to furnish.

You allude to the case of the American Revolution, and the conduct of France in not recognizing the belligerent rights of the insurgents then in rebellion against the British Crown.

Let us extend our view somewhat wider. There have been in the period beginning in 1765, and ending in 1865, three cases of a somewhat similar kind. The first is that of the

In June, 1820, the Portuguese minister complains that a Portuguese prize had been sold by auction in Baltimore to Captain Chase, (a notorious privateersman,) and was to be immediately fitted out as a privateer to cruise against the Portuguese Indiamen.

In July of the same year the Portuguese minister sends a list of "the names and value of nineteen Portuguese ships, and their cargoes, taken by private armed ships fitted in ports of the Union by citizens of those States." His sovereign wishes the affair to be treated with that candor and conciliating, dignified spirit which becomes two powers who feel a mutual esteem and have a proper sense of their moral integrity. "In this spirit I have the honor to propose to this government to appoint commissioners on their side, with full powers to confer and agree with his Majesty's ministers on what reason and justice demand."

In December, 1820, the Chevalier Amado Grehon transmitted to Mr. Adams a copy of twelve claims, with the value of the ships, desiring him to add them to the list furnished by the Chevalier Correa de Serra.

In April, 1822, the same minister repeats the proposal made in July, 1820, "of having recourse to commissaries chosen by both governments for the purpose of arranging the indemnities justly due to Portuguese citizens for the damage which they have sustained by reason of piracies supported by the capital and the means of citizens of the United States, an essential condition which in this way repairing the past secures also the future."

On the 25th of May, 1850, the chargé d'affaires of Portugal, writing to the Secretary of State of the United States, declares: "The undersigned is authorized to come to an understanding with the new Secretary of State upon the subjects, and to submit the voluminous documents and papers in his possession to the joint examination and decision of the commissioners or arbitrators appointed by the American government on the one part, and the undersigned, on behalf of her Majesty's government, on the other," &c.

Having thus related the complaints of the Portuguese government during the years which elapsed from 1816 to 1822, and from 1822 to 1850, I will now give, from the organs of the United States, the answers which that government gave to these solemn and reiterated complaints.

In March, 1817, the Secretary of State transmitted to the Portuguese minister at Washington an act of Congress, passed on the 3d of that month, to preserve more effectually the neutral relations of the United States.

On the 14th of March, 1818, in answer to a letter complaining of the capture of three Portuguese ships by privateers, Mr. Adams says: "The government of the United States having used all the means in its power to prevent the fitting out and arming of vessels in these ports to cruise against any nation with whom they are at peace, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and pacific obligations of this Union, cannot consider itself bound to indemnify individual foreigners for losses by captures over which the United States have neither control nor jurisdiction. For such events no nation can in principle, nor does in practice, hold itself responsible. A decisive reason for this, if there were no other, is the inability to provide a tribunal before which the facts can be proved. The documents to which you refer must of course be *ex parte* statements, which, in Portugal or in Brazil, as well as in this country, could only serve as a foundation for actions in damages, or for the prosecution and trial of the persons supposed to have committed the depredations and outrages alleged in them. Should the parties come within the jurisdiction of the United States, there are courts of admiralty competent to ascertain the facts upon litigation between them, to punish the outrages which may be duly proved, and to restore the property to its rightful owners, should it also be brought within our jurisdiction, and found, upon judicial inquiry, to have been taken in the manner represented by your letter. By the universal law of nations the obligations of the American government extend no further."

The Secretary of State, in subsequent letters, promises to prosecute in the United States courts persons chargeable with "a violation of the laws of the United States in fitting out and arming a vessel within the United States for the purpose of cruising against the subjects of the Queen of Portugal."

To the proposal to appoint commissioners, made in July, 1820, the United States Secretary of State, on the 30th of September of the same year, replies as follows:

"The proposal contained in your note of the 16th of July last has been considered by the President of the United States, with all the deliberation due to the friendly relations subsisting between the United States and Portugal, and with the disposition to manifest the undeviating principle of justice by which this government is animated in its intercourse with all foreign governments, and particularly with yours. I am directed by him to inform you that the appointment of commissioners to confer and agree with the ministers of his most faithful Majesty upon the subject to which your letter relates would not be consistent either with the Constitution of the United States, nor with any practice usual among civilized nations."

He proceeds to say:

"If any Portuguese subject has suffered wrong by the act of any citizen of the United States within their jurisdiction, it is before those tribunals that the remedy is to be sought and obtained. For any acts of citizens of the United States, committed out of their jurisdiction and beyond their control, the government of the United States is not responsible. To the war in South America, to which Portugal has for several years been a party, the duty and the policy of the United States has been to observe a perfect and impartial neutrality."

The same reply is again given to Chevalier Armado Grehorn, in a letter dated the 30th of April, 1822:

"I am at the same time directed to state that the propositions of the Chevalier Correa de Serra, in his note of the 16th of July, 1820, for the appointment of commissaries chosen by both governments, to arrange indemnities claimed by Portuguese citizens for damages stated by them to have been sustained by reason of piracies supported by the capital and means of citizens of the United States, cannot be acceded to. It is a principle well known and well understood, that no nation is responsible to another for the acts of its citizens, committed without its jurisdiction and out of the reach of its control."

The policy of the United States is further explained in a despatch of Mr. Secretary Adams to Mr. Dearborn, dated the 25th of June, 1822. It is there set forth that in the critical state of the relations of the two countries, it is necessary to employ the agency of a person fully qualified to represent the interests of the United States. It is affirmed that whenever Portuguese captured vessels have been brought within the jurisdiction of the United States, decrees of restitution have been pronounced.

In reference, however, to the lists of captures and the demand of a joint commission to determine and assess the damages to be paid by the United States, the former refusal was thus repeated: "As there was no precedent for the appointment of such a commission, under such circumstances, and as not a single capture had been alleged for which the United States were justly responsible, this proposal was of course denied, and nothing further was heard upon the subject until the 1st of April last, when a note was received from the present chargé d'affaires of Portugal, leading to a correspondence, copies of which are now furnished you."

The correspondence seems not to have been resumed till 1850, when, as has been shown, the demand for a commission was repeated.

The Secretary of State of the United States gave this summary and final answer, dated May 30, 1850:

"The undersigned is surprised at the reappearance of these obsolete reclamations, accompanied by the renewal of the ancient proposition to appoint a joint commission to determine and assess damages, a proposition which was rejected at the time upon substantial grounds, and without the minister's assurance to that effect, the undersigned would not have supposed is credible that Portugal seriously cherished any intention to revive them. In reply, therefore, to the note which the minister of her most faithful Majesty has presented in the name of his government, the undersigned must now, by the President's order, inform him that he declines re-opening the proferred discussion."

This despatch is signed "John M. Clayton."

A long and able despatch of the Portuguese minister at Washington, recapitulating all the grievances of Portugal, dated November 7, 1850, does not appear to have received an answer.

The practice of the United States courts during the war of the South American colonies against Spain and Portugal seems to have been confined to the restitution of prizes actually brought into the ports of the United States. The doctrine of the courts of justice upon the subject was thus laid down by Chief Justice Story, in pronouncing the decision of the Supreme Court in the case of the Amisted de Rues, (5 Wheaton, p. 388.) Speaking of the case of damages, he says: "When called upon by either of the belligerents *to act in such cases, all that justice seems to require is that the neutral nation shall fairly execute its own laws and give no asylum to the property unjustly captured. It is bound, therefore, to restore the property, if found within its ports, but beyond this it is not bound to interpose between the belligerents.*"

If, indeed, it were otherwise, there would be no end to the difficulties and embarrassments of neutral prize tribunals. They would be compelled to decide in every variety of shape upon various trespasses, *in rem* and *in personam*, between belligerents, without possessing adequate means of ascertaining the real facts, or of compelling the attendance of foreign witnesses, and thus they would draw within their jurisdiction almost every incident of prize. Such a course of things would necessarily create irritation and animosities, and very soon embroil neutral nations in all the controversies and hostilities of the conflicting parties.

Considerations of public policy come, therefore, in aid of what we consider the law of nations on this subject; and we may add that Congress, in its legislation, has never passed the limit that is here marked out.

* To the same effect is the doctrine laid down by the Supreme Court in the case of the brig Alerta. "A neutral nation may, if so disposed, without a breach of her neutral character, grant permission to both belligerents to equip their vessels-of-war within her territory. But without such a permission the subjects of such belligerent powers have no right to equip vessels-of-war, or to increase or augment their force, either with arms or with men, within the territory of such neutral nation. Such unauthorized acts violate her sovereignty and her rights as a neutral. All captures made by means of such equipment are illegal in relation to such nation, and it is competent to her courts to punish the offenders, and in case the prizes taken by her are brought *infra praesidia*, to order them to be restored."

In comparing the course pursued by the government and Congress of the United States in the case of the South American civil war, with that pursued by her Majesty's government in

* Curtis's Report, vol. III, p. 382.

the case of the North American civil war, the following differences are perceptible: The number of vessels built and fitted out in American ports, which successfully evaded the provisions of the laws made to restrain them, and proceeded to cruise against Portuguese commerce, was very great; those which escaped the execution of the laws of Great Britain were very few. In the former case these illegal cruisers must have been thirty or forty; in the latter, three or four. In the case of the South American civil war the cruisers in question were generally commanded by citizens of the United States and navigated by crews of the neutral nation; in the case of the North American civil war, no English captain appears to have commanded a cruiser, and the crews were generally, though not altogether, from the States in insurrection.

But there is one essential point on which the United States and Great Britain appear entirely to agree. The United States, when neutral, refused to be responsible for captures at sea not brought within their jurisdiction, or to listen to a proposal to appoint a commission to assess damages; the government of the United Kingdom have taken a similar course. It is true that in applying the principle there has been a divergency of practice. The United States admitted their prizes to their harbors, but restored them, if practicable, when called upon by the decrees of courts of law, to their owners. The government of Great Britain refused admission altogether to such prizes. The principle is the same, and it is hardly worth while to dispute which course was most inconvenient to the insurgent cruisers. It appears to me, I confess, that the course pursued by her Majesty's government tended more effectually to discourage insurgent cruisers than that pursued by the United States.

But as to the principle involved, let me ask you, supposing a merchant or passenger vessel belonging to the United States were to go to the coast of Madagascar, and were there to meet a ship from Boston with cannon and muskets, and the merchant ship, being then armed, were to take part against Brazil in the war between Brazil and Paraguay; let me ask, I say, whether your government would think themselves bound to afford reparation to Brazil for all the captures made by that ship? Yet, such is the case of the Shenandoah.

It seems to her Majesty's government that, if the liability of neutral nations were stretched thus far, this pretension, new to the law of nations, would be most burdensome, and indeed most dangerous.

A maritime nation, whose people occupy themselves in constructing ships, and cannon, and arms, might be made responsible for the whole damages of a war in which that nation had taken no part.

I am thankful, therefore, to Mr. Adams for having, in 1818, 1820, and 1822, shielded maritime powers by his conclusive argument from such alarming liabilities.

You say, indeed, that the government of the United States altered the law at the urgent request of the Portuguese minister. But you forget that the law thus altered was the law of 1794, and that the law of 1818, then adopted, was, in fact, so far as it was considered applicable to the circumstances and institutions of this country, the model of our foreign enlistment act of 1819.

Surely, then, it is not enough to say that your government, at the request of Portugal, induced Congress to provide a new and more stringent law for the purpose of preventing depredations, if Great Britain has already such a law. Had the law of the United States of 1818 not been already, in its main provisions, adopted by our legislature, you might reasonably have asked us to make a new law; but, surely, we are not bound to go on making new laws *ad infinitum*, because new occasions arise.

The fact is, this question of a new law was frequently discussed; but the conclusion arrived at was, that unless the existing law, after a sufficient trial, should be proved to be practically inadequate, the object in view would not be promoted by any attempt at new legislation.

The existing law has, in fact, not proved inadequate, when circumstances of strong suspicion have been so far established as to justify the government in ordering the detention of the suspected vessels; and it is by no means certain that any possible alteration of the law would enable more to be done, in the way of prevention, than this. That power was exercised in the case of the rams—in the Mersey, and of the Canton, or Pampero, in the Clyde; and in neither case has the power so exercised been censured or revoked, either in a court of law or by any vote of Parliament.

If it be said, as some persons of high authority in Parliament have said, that the executive government of the United Kingdom exercised in their cases an illegal power, my answer is, that whatever force such an argument might have in a court of law, or in Parliament, it can have none in the mouth of a Secretary of State of the United States; for, whether exercised legally or illegally, the power was equally effective in protecting the commerce and the harbors of the United States against ships built and equipped in British ports.

With respect to orders to refuse entrance into our ports to all ships partly fitted up in the United Kingdom for the service of the confederates, there was extreme difficulty in giving any such orders.

During the South American civil war, it was found practicable to bring to New York, or Boston, witnesses to prove that a South American cruiser had been built and armed in Baltimore. But to carry witnesses from Liverpool to Nassau, or Jamaica, to prove the building of the Alabama at Birkenhead, would have been a fruitless effort.

To produce copy of a conviction of the Alabama was impossible, as she had escaped conviction by flight; to carry witnesses to the Cape of Good Hope, to Melbourne and elsewhere, for the purpose of showing that her owners had violated the foreign enlistment act, was equally out of the question. No less impracticable would it have been to say to our governors, "You may admit the Alabama; you may admit the Stonewall; but you must not admit the Florida."

In your letter of the 23d of October, 1863, you were pleased to say that the government of the United States is ready to agree to any form of arbitration. Her Majesty's government have thus been led to consider what question could be put to any sovereign or state to whom this very great power should be assigned.

It appears to her Majesty's government that there are but two questions by which the claim of compensation could be tested; the one is, have the British government acted with due diligence, or, in other words, in good faith and honesty, in the maintenance of the neutrality they proclaimed? The other is, have the law officers of the Crown properly understood the foreign enlistment act, when they declined, in June, 1862, to advise the detention and seizure of the Alabama, and on other occasions when they were asked to detain other ships, building or fitting in British ports?

It appears to her Majesty's government that neither of these questions could be put to a foreign government with any regard to the dignity and character of the British Crown and the British nation. Her Majesty's government are the sole guardians of their own honor. They cannot admit that they have acted with bad faith in maintaining the neutrality they professed. The law officers of the Crown must be held to be better interpreters of a British statute than any foreign government can be presumed to be. Her Majesty's government must, therefore, decline either to make reparation and compensation for the captures made by the Alabama, or to refer the question to any foreign state. Her Majesty's government conceive that if they were to act otherwise, they would endanger the position of neutrals in all future wars.

Her Majesty's government, however, are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war, which the two powers shall agree to refer to the commissioners.

I cannot conclude without taking this opportunity to ask you to join with her Majesty's government, in rejoicing that the war has ended without any rupture between two nations which ought to be connected by the closest bonds of amity.

The government of the United States have carried on to a successful issue, with great fortitude and perseverance, a civil war of unequalled magnitude. In the course of this war they have resolved to abolish slavery. The British nation have always entertained, and still entertain the deepest abhorrence of laws by which men of one color were made slaves of men of another color.

The efforts by which the United States government and Congress have shaken off slavery have, therefore, the warmest sympathies of the people of these kingdoms.

The same sympathies will accompany the President and Congress of the United States, in endeavoring to reorganize the southern States on the basis of equal freedom.

Nor is there any question in dispute which seems likely to disturb the friendship of two nations which—the one in Europe, and the other in America—are distinguished for their love of liberty. Let our two nations, therefore, instead of captious discussions, respect the honor, and believe in the friendly intentions, of each other. In this manner we may preserve unbroken the ties of peace, and exercise a beneficial influence on the future destinies of the nations of the world.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES F. ADAMS, Esq., &c.

Mr. Adams to Mr. Seward.

No. 1043.] LEGATION OF THE UNITED STATES,
London, September 8, 1865.

SIR: Upon a close scrutiny of the substance of Lord Russell's note to me, a copy of which goes to you with my despatch No. 1042, I perceive a circumstance of a very singular nature. The proposition which he makes of a commission, to which all claims are to be referred, does not appear to me, at first sight, materially to differ from that made by the Portuguese government in July, 1820. The answer that was given by the United States declining that proposal, on the ground that "it was not consistent either with the Constitution of the United States or with any practice usual among civilized nations," happens to

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I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES F. ADAMS, Esq., &c.

Mr. Adams to Mr. Seward.

No. 1043.] LEGATION OF THE UNITED STATES,
London, September 8, 1865.

SIR: Upon a close scrutiny of the substance of Lord Russell's note to me, a copy of which goes to you with my despatch No. 1042, I perceive a circumstance of a very singular nature. The proposition which he makes of a commission, to which all claims are to be referred, does not appear to me, at first sight, materially to differ from that made by the Portuguese government in July, 1820. The answer that was given by the United States declining that proposal, on the ground that "it was not consistent either with the Constitution of the United States or with any practice usual among civilized nations," happens to

make a part of the same note. Hence the British government is placed in the awkward situation either of appearing to make a proposal which it knows beforehand to be inadmissible, or else of desiring to make the United States determined to accept the measure in flagrant opposition to its former principles, and thus display inconsistency in its views of radical questions.

I propose in my note to bring to his lordship's notice this strange peculiarity without in any way attempting to foreclose the action of the President upon the proposal itself, should any material difference in the view taken of it, as contrasted with that in the former case, be perceived.

Thus much I have felt it my duty to state in advance as matter of precaution, although I have no doubt that the difficulty alluded to will have been instantly seen on an examination of the paper.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Mr. Adams.

No. 1541.] DEPARTMENT OF STATE,
Washington, September 11, 1865.

SIR: With reference to your despatch of the 10th ultimo, No. 1031, and to my Nos. 1525 and 1539, I transmit a copy of a letter of the 16th ultimo, from Messrs. J. C. Merrill & Co., of San Francisco, part owners and agents of the whaling bark William C. Nye, relative to the claim against the British government, on behalf of the owners of that vessel, to indemnity for losses growing out of her destruction by the Shenandoah or Sea King.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *&c., London.*

Messrs. Merrill & Co. to Mr. Seward.

SAN FRANCISCO, *August* 16, 1865.

DEAR SIR: The English propeller Sea King, *alias* confederate steamer Shenandoah, has made her appearance in the Arctic ocean, and threatens the destruction of the entire whaling fleet. Twenty-five whaling vessels have already been burned by her, and four others captured and bonded for the purpose of bringing the crews of the burnt ships to this port and the Sandwich Islands.

On the 26th of June she burnt our bark the William C. Nye, of this port, sending her crew to this port in the whaler General Pike, and we wish to place on file, or present for collection, our claim against the English government for the destruction of the said vessel, amounting to 280,212 dollars 50 cents. The size of the William C. Nye, and the owners of her, are certified to by our deputy collector, and we forward with the claim the captain's "extended protest." Please inform me whether the claim should be presented in any different shape.

Allow me to suggest that the next Congress be recommended to appoint a "commission" to adjust these claims, while all the testimony that may be required can be obtained, and the various facts in the different cases are fresh.

We remain, &c., J. C. MERRILL & CO.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The bark William C. Nye was of the capacity of 389$\frac{44}{95}$ tons, as appears from copy of her register on file in this office, and she was owned as per statement hereunto attached.

In witness whereof, I have hereunto set my hand and seal, at San Francisco, this 11th day of August, 1865.

E. DANIELS, *Deputy Collector.*

SAN FRANCISCO, *August* 7, 1865.

English propeller Sea King, alias Confederate States steamer Shenandoah, Dr., to J. C. Merrill & Co., owners and agents of American bark William C. Nye.

Bark William C. Nye, live-oak built, coppered and copper fastened, 389$\frac{34}{95}$ tons, burned in the Arctic sea June 26, 1865	$35,000 00
Boats, casks, crafts, provisions, whaling-guns, bombs and materials	20,000 00
150 barrels whale oil on board, 4,725 gallons, at 1 dollar 50 cents	7,089 50
Season's catch destroyed, estimated 2,500 barrels whale oil, 78,750 gallons, at 1 dollar 50 cents	118,125 00
Whalebone, 50,000 lbs., at 2 dollars	100,000 00
	280,212 50

Owners:

J. C. Merrill & Co	$\frac{7}{16}$
P. H. Cootey	$\frac{3}{16}$
Moore & Co	$\frac{3}{16}$
Charles Hare	$\frac{2}{16}$
Tubbs & Co	$\frac{1}{16}$
William How	$\frac{1}{16}$
	$\frac{16}{16}$

UNITED STATES OF AMERICA,
State of California, City and County of San Francisco, ss:

To all people whom these presents shall or may concern:

I. E. V. Joice, a public notary in and for the State and county aforesaid, by letters patent under the great seal of the said State, duly commissioned and sworn, dwelling in the city of San Francisco, send greeting:

Know ye, that on this 7th day of August, in the year of our Lord 1865, before me, the said notary, at my office in the city of San Francisco, personally appeared S. H. Cootey, master of the bark William C. Nye, belonging to the port of San Francisco, (the said master having personally noted in due form of law his intention to protest,) who, together with Fitch Way, 2d officer; John Sheridan, steward; and John Scanlan, carpenter, belonging to the aforesaid vessel, being by me duly sworn on the Holy Evangelists of Almighty God, voluntarily and solemnly did declare and depose as follows, to wit:

That they, the said appearers, on the 27th day of March, 1865, set sail and departed in and with the said vessel from the port of San Pedro, on a whaling cruise, and bound for the Arctic ocean; the vessel being then stout, staunch and strong; her cargo well and sufficiently stowed and secured, well masted, manned, tackled, victualled, apparelled, and appointed, and in every respect fit for sea and the voyage she was about to undertake. That on the 27th day of March we left San Pedro, bound for the Arctic ocean on a whaling cruise, having on board about 150 barrels of oil, the catch of between seasons. Meeting with no incident worthy of note, on the 25th of May we made Cape Thaddeus, and were cruising for whale, when, on the morning of the 26th of June, at 2 o'clock, the officer of the deck came down and reported what he thought to be a steamer close to us. Before the master could get on deck the steamer had hailed our bark to haul aback, which was done. The steamer lowered a boat and came alongside; an officer came on deck and said to Captain Cootey, you must consider yourself a prize to the confederate man-of-war Shenandoah. She had no flag flying, and this was the first intimation we had of her character. The officer then inquired how many officers we had on board, and was informed four, when he ordered the captain and officers, with her papers, to get into his boat and go aboard the steamer. At this time the war steamer was within 150 yards of the bark, and her guns were all visible, and the magnitude of her strength and ability to carry out his orders was apparent. We got aboard the boat and were taken on board the Shenandoah, when an officer ordered the captain to go into the cabin where he was met by Captain Waddell, in command of the Shenandoah, who inquired of the captain for his papers, which were handed over and then given to the clerk. A bond or parole was then made out for the captain and officers to sign, but the precise character of the document is not known. However, upon this being done, and all the papers belonging to the ship, including her register, taken possession of by the clerk of the steamer, we were then informed by the commander of the steamer that he was done with, when we were taken down into between-decks and there searched by a person called master-at-arms, who treated us with every indignity he could invent; our pockets turned inside out, clothing rudely examined, and then ordered to sit down on the floor with some Chinamen. After remaining in this place about thirty minutes, we were ordered on deck and go aboard our bark to get a portion of our clothing. And while we were packing, the partitions were being knocked down preparatory to burning the vessel. In about fifteen minutes after going aboard we were ordered to leave, when the bark was set on fire, and we were then put on our own whale boats in tow of the steamer, when she started for two or three other whalers in sight to the

northeast. After capturing and burning these vessels, as well as our own, we were, by order of the captain of the Shenandoah, put on board the bark General Pike, together with those belonging to captured whalers, which vessel was bonded to take us to San Francisco, where we arrived August 1, 1865. There were seven ships' companies put on board the Pike, of about 300 tons, all of whom suffered in consequence of the crowded condition of the ship and the want of accommodation for the voyage to San Francisco.

The bark William C. Nye was well found and equipped in every respect for the voyage she had undertaken.

And the said appearers further declare, that as all the damage and injury which already has or may hereafter appear to have happened or accrued to the said vessel, her freight and cargo, has been occasioned solely by the circumstances hereinbefore stated, and cannot be attributed to any insufficiency of said vessel, the neglect or default of him, this deponent, his officers or crew, he now requires me, the said notary, to make his protest and this public act thereof, that the same may serve and be of full force and value as of right shall appertain. And thereupon the said master protested, and I, the said notary, at his special instance and request, did, as by these presents I do publicly and solemnly, protest against the winds, weather and seas, and against all and every accident, matter and thing, had and met with as aforesaid, whereby or by means whereof the said vessel, her freight or her cargo, already has or hereafter shall have suffered or sustained loss, damage or injury, and for all losses, costs, charges, expenses, damages, and injury which the said vessel, or the owner or owners of the said vessel, or the owners, freighters or shippers of her said cargo, or any other person or persons interested or concerned in either, already have been or may hereafter be called upon to pay, sustain, incur, or be put into by or on account of the premises, or for which the insurer or insurers of the said vessel, her freight or her cargo, is or are respectively liable to pay or make contributions or average according to custom, or their respective contracts or obligations, so that no part of any losses, damages, injuries, or expenses already incurred or hereafter to be incurred, do fall on him the said master, his officers, or crew.

Thus done and protested, in San Francisco, this 7th day of August, in the year of our Lord 1865.

In testimony whereof, as well the said appearers as I, the notary, have subscribed these presents, and I also caused my seal of office to be hereunto affixed the day and year above written.

E. V. JOICE, *Notary Public.*
S. H. COOTEY, *Master.*
FITCH WAY, *Second Officer.*
JOHN SHERIDAN, *Steward.*
JOHN SCANLAN, *Carpenter.*

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

I, the undersigned notary public, hereby certify the foregoing act of protest to be an accurate and faithful copy of the original on record in my book of official acts.

In testimonium veritas.

E. V. JOICE, *Notary Public.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 1044.] LEGATION OF THE UNITED STATES,
London, September 14, 1865.

SIR: * * * * * * * *

In connexion with No. 1,523, of the 24th of August, and my despatch No. 1,030, to which it is in reply, I may observe that the ex-Queen of Hawaii has had an audience of her Majesty at Windsor since the return of the latter from Germany. It does not appear by whom she was presented. Lord Russell is now absent in Scotland. Though not invited to the castle, she appears to be placed upon a footing of a sovereign guest, and is lodged at a fashionable hotel at the public expense.

The following appears in the Post of this morning:

"The Queen of the Sandwich Islands, attended by her suite, paid a visit to the Hon. C. L. and Mrs. Courtney yesterday afternoon at their residence in the cloisters of Windsor Castle. After partaking of refreshment, the Queen was conducted by the Rev. Canon and Mrs. Courtney over the Chapel Royal of St. George and the Prince Consort's Memorial Chapel, (formerly Cardinal Woolsey's chapel.) Her Majesty afterwards drove to Clewer,

and visited the important establishment there connected with the Sisters of Mercy, and on her return to Windsor attended divine service in St. George's Chapel, and occupied the stall of the King of the Belgians, as Knight of the Garter. After the service Her Majesty went to the residence of the Rev. Canon Courtney, and at half-past six o'clock took leave and returned to town by the Great Western line. Her Majesty's government have placed at the disposal of Queen Emma and her attendants the rooms at Claridge's hotel, Brook street, which are usually occupied by such royal personages as are received as guests in this country. The Queen will take up her residence at the hotel next month."

I consider it my duty, under your instructions, to bring these incidents to your notice, though I do not see cause to attach much political significance to them. My original views, as expressed in my former despatch, remain unchanged. I shall, nevertheless, endeavor to keep you informed.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 1046.] LEGATION OF THE UNITED STATES,
London, September 14, 1865.

SIR: The note which I have prepared in reply to Lord Russell, as mentioned in my despatches Nos. 1042 and 1043, of the 7th and 8th instant, has drawn into such length that I shall be unable to forward a copy of it to you by this steamer. Inasmuch as the historical part of the controversy was elicited in the first instance by references of my own, I have thought it important that it should not be left obscure on the record. If, in taking this latitude, I should appear heretofore to have trenched a little upon the line of your indulgence, I trust that a period will be put to it henceforward. I had hoped that the epoch of voluminous notes had passed by in this legation, at least for my time.

In connexion with this subject, I transmit herewith a copy of the London Times of Monday, the 11th instant, containing a leader relating to the depredations of the Shenandoah.

It is quite clear to me that this is prompted by uneasiness in high quarters respecting the new consequences that are perpetually developing themselves from the original mistake in policy.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of September 11, 1865.]

It is impossible not to share the indignation so loudly expressed on the other side of the Atlantic at the continued depredations of the Shenandoah on the northwest coast of America. Several months have now elapsed since the American war terminated *de facto*. No formal treaty of peace was executed by the confederate government, for the simple reason that all its leading members were either captives or fugitives; but the generals had signed capitulations, the armies were disbanded, the only existing civil authorities had taken the oath of allegiance to the United States, and the most influential citizens in the south were suing for pardon. Yet so lately as the end of June, and when the surrender of Generals Johnston and Taylor was already known throughout the ports of the Pacific, Captain Waddell was still burning and plundering American merchantmen in the name of the Confederate States. It appears from accounts published in the San Francisco press that, although in possession of full reports, he professed to disbelieve the ruin of the confederacy, on the ground that he had

no information of it except from northern papers. It remains to be seen how far this plea will avail him if he should be overhauled by a war vessel of the United States. In the mean time the utter illegality of his proceedings can admit of no dispute. From the moment that peace is concluded between the two belligerent powers all acts of hostility are *prima facie* wrongful, and this rule applies *a fortiori* where the one is so prostrated as to be incapable of making any conditions. Had the confederate government been in a position to enter into regular negotiations, some date would, no doubt, have been fixed after which all captures by land or sea should be null and void. As it was, that government suddenly ceased to exist, and thenceforth all persons claiming to act in obedience to its orders were left to carry on war or make their submission on their own responsibility. Captain Waddell has thought proper to adopt the former alternative, and he has done so at his peril. Unless he can show that he had neither actual nor constructive knowledge of what was known to every one else in the same latitudes and discredited by himself, he has no claim to mercy. It would be absurd in such a case to entertain the questions raised by jurists as to whether there must be an official notification of a peace, and whether an individual can be responsible for ignoring a peace of which he is technically ignorant. The commander of a vessel like the Shenandoah carries his life in his hand; his enterprise, at the best, is only distinguished from piracy so far and so long as it is authorized by a sovereign or, at least, belligerent state. If he chooses to prolong his cruise after being positively informed of facts which make his commission waste-paper, and render him a subject of the United States, he can expect no presumptions to be made in his favor.

There is every reason to fear that the ravages committed by the Shenandoah since the close of the war have been far more destructive than before. Towards the end of July a vessel called the Milo reached the harbor of San Francisco, having on board the crews of several American whalers pillaged and set on fire by this privateer. On the 1st of August another vessel called the General Pike arrived at the same port with a similar freight, bringing still more disastrous news. The Milo had left the Shenandoah on the 23d of June near the entrance of the gulf of Anadyr, on the northeast of Siberia, where a number of whalers were then lying. Two officers belonging to the ship Abigail, then on the point of falling into Captain Waddell's hands, had managed to get away in a fog, and to warn these vessels in the gulf. They at once sought safety among fields of ice where the Shenandoah could not follow them, and most of them are believed to have escaped. Thus baffled, Captain Waddell destroyed the Abigail and three other ships with which he fell in soon afterwards, and proceeded towards Behring's Straits. It is said that about eighty whalers, comprising nearly the whole Arctic fleet, were cruising in those seas, and twelve or fourteen were known to have been captured or destroyed when the mail left San Francisco. The General Pike was one of the first overtaken, and the crews of six or seven others were forthwith put on board of her, to be carried back to San Francisco. No less than two hundred and fifty-two persons were crowded into this small bark, of which the ordinary crew did not exceed thirty, and if her master is to be believed, nothing could be more brutal than Captain Waddell's language and behavior towards his prisoners. When the General Pike quitted the Shenandoah the latter was steering in pursuit of other whalers, and on the 3d of August intelligence reached San Francisco that nine more vessels had been destroyed since her departure. In fact, there was little hope that any considerable part of the whaling fleet would succeed in making good their escape. Ships of this class are not built for speed, and a single war steamer may pounce upon them one after another with perfect ease and impunity.

It is sad to read of such wanton and vindictive devastation, and we can make great allowance for the exasperation of the shipping interest in California. It is, perhaps, natural that their resentment should betray itself in bitter allusions to the alleged complicity of this country with the evil deeds of the Shenandoah. "The English pirate," "the English thief," "the English pirate, thief, or robber Sea King, called Shenandoah"—such are the titles which the unhappy mates and captains of the captured vessels apply to the spoiler. This is not the time to revive the wearisome controversy on the original equipment of the Alabama and her consorts. Whether or not they ever acquired a lawful national character under the commission of President Davis, and whatever may be thought of the privileges conceded to them in British and French ports, they have now lost both the one and the other. The Shenandoah is absolutely excluded from shelter in any part of our dominions, and lest Lord Russell's circular should not have reached Vancouver's island, the British consul at San Francisco, with praiseworthy forethought, telegraphed the substance of it to the governor of that colony. This is all that can strictly be required of us by international law, but it may be worth considering whether a further step would not be justified under the peculiar circumstances of the case. Our neutrality, with its very limited "rights" and very onerous "duties," has ceased with the war, and nothing remains but our obligations, legal and moral, towards a friendly power in time of peace. We have amply satisfied the requirements of honor as between ourselves and the now extinct confederate government, and there is no longer room for the exercise of impartiality. There is no such thing as a "confederate steamer Shenandoah," for there is no belligerent power to claim her or to be responsible for any enormities that she may perpetrate. Captain Waddell is, to all intents and purposes, his own master, and has the absolute disposal of all the plunder which he may accumulate. In other words, he is engaged in a private buccaneering raid, and has thereby made himself the enemy of all civilized

nations. He may have had good reasons of his own for sparing British merchantmen, but there is no good reason that we can see why he should be spared rather than any other pirate if he should chance to fall in with a British man-of-war. It was not his respect for English hospitality, but the vigilance of the colonial government, that alone prevented a gross breach of our laws when the Shenandoah lay in Australian waters. Justice and policy alike suggest that we should aid the United States in cutting short his lawless career, and putting down outrages so ruinous to commerce and so disgraceful to civilization. We hope that instructions to that effect may be sent to the commander of our squadron in the Pacific. It is an act that would be appreciated by the United States and justified by public opinion in Great Britain. Nothing but the direst necessity could excuse the system of condemning and burning ships on the high seas adopted by the confederate cruisers during the war. So strong was the feeling against it in this country that many people could never be induced to believe that it was tolerated by international law. As now practiced by Captain Waddell in flagrant defiance of all law, it can excite nothing but horror, and the circumstance of the Shenandoah being launched from our own shores, after all our efforts to maintain the spirit of the foreign enlistment act, will certainly not win for her any exceptional sympathy.

Mr. Adams to Mr. Seward.

No. 1047.] LEGATION OF THE UNITED STATES,
London, September 15, 1865.

SIR: I have the honor to transmit herewith, for the President and Mrs. Lincoln, copies of resolutions on the late deplorable event at Washington, passed by the annual assembly of the United Methodist Free Churches at a meeting held at Nottingham, in that kingdom, in August last.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

RESOLUTIONS passed by the annual assembly of the United Methodist Free Churches held in Nottingham, August, 1865.

The American war and slavery.

1. *Resolved*, The members of this assembly having during the past four years watched with intense interest and painful anxiety the progress of the civil conflict upon the American continent, would now express their gratitude to Him by "whom kings reign and princes decree justice," that the said sanguinary struggle has closed; and upon this auspicious circumstance, this assembly most cordially congratulates both the government and people of the United States.

2. *Resolved*, This assembly is exceedingly grateful to have observed, that God in his providence has so overruled the discussions of Congress and the conflict of armies, as to have removed from among the American people that which has been their dishonor and scourge—*chattel slavery*; and upon this issue this assembly congratulates not only the American nation, but also all others, believing that the abolition of slavery in the United States will be the prelude to its abolition all over the world.

3. *Resolved*, This assembly rejoices at the seasonable and well-sustained efforts which have been made by the American people in order to lessen the distress which has arisen from the immediate emancipation of the slaves of the south, by the feeding and clothing of the aged and infirm, and the opening of schools for the education of the young; and this assembly recommends the members of our churches to do what they can, by the contribution of both apparel and money, in order to further the object of the "Freedmen's Aid Societies."

4. *Resolved*, This assembly records its unmitigated abhorrence of and indignation at the crime of assassination, by which the American people have in the hour of returning order and peace been deprived of one of the most praiseworthy of modern rulers—the patient, sagacious and philanthropic Abraham Lincoln.

This assembly also expresses its deep and sincere sympathy with the executive and people of the United States upon their loss; and also, in harmony with the promptly presented utterances of the British press, platform, senate and throne, tenders its condolence to the honored widow of the deceased President.

This assembly moreover trusts, now that the war has ceased in the triumph of the northern arms, that henceforth England and America, as they are one in origin, language and religion, will cultivate towards each other the most amicable relations, and being banded together not only as profitable traders but true friends, will by their powerful example and moral influence elevate and bless the world.

5. *Resolved*, That a copy of the aforesaid resolutions be communicated to the honorable Charles Francis Adams for presentation to Mrs. Lincoln, and to his excellency the President of the United States.

Signed on behalf of the assembly:

WILLIAM ROBERTS BROWN, *President.*
MARMADUKE MILLER, *Secretary.*

Mr. Adams to Mr. Seward.

No. 1049.] LEGATION OF THE UNITED STATES,
London, September 15, 1865.

SIR: I have this day received a visit from Mr. Perry, the consul at Tunis, who came to accompany the first envoy to the United States ever sent by the Bey. This is a very distinguished-looking gentleman, who called on me to express his master's satisfaction in the restoration of the country and the termination of the war, as well as his own pleasure in the prospect of his mission. I reciprocated the sentiments so far as I could. He leaves this country next week in the steamer Persia. At the desire of Mr. Perry, I have communicated these facts to you in advance of his arrival.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 1542.] DEPARTMENT OF STATE
Washington, September 19, 1865.

SIR: Under date of the 1st instant the committee of the British and Foreign Anti Slavery Society addressed to the President a communication in regard to the freedmen of the United States. I will thank you to inform Edmund Sturge, esq., of London, the chairman of the committee, that the communication has been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Document referred to in the above despatch.]

British and Foreign Anti-Slavery Society to President Johnson.

27 NEW BROAD STREET, E. C.,
London, September 1, 1865.

SIR: The committee of the British and Foreign Anti-Slavery Society respectfully entreat your kind attention to a few observations, which they feel impelled to make upon certain points connected with the actual position of the freedmen in the United States, and the committee venture to hope that their well-known interest in the African race, and their exceeding anxiety for the success of emancipation in America, may plead their sufficient excuse for the present address.

The committee are deeply impressed with a sense of the heavy responsibilities which rest upon you at the present crisis; responsibilities so much the heavier, because the circumstances under which they have devolved upon you are unprecedented: but they feel that these will be materially lightened by a strict adherence to those broad principles of justice which underlie all sound government, and which the committee believe you are anxious to bring into practice.

The committee do not consider it their province to dwell upon the complicated political questions which they perceive with regret are being mixed up with the subject of the extension of equal civil rights to the freedman, nor to attempt to define what ought to be the course of individual States in this matter; still less would they assume any authority to suggest what the supreme government might do. They simply exercise, as the friends of the negro race, the privilege to submit their own views as to the just claims of the late slaves to enjoy equality of civil rights, as a result of the emancipation policy of the United States government; and for this purpose it is convenient to assume that the classes formerly held in bondage are virtually all emancipated.

The committee conceive that the first result of this anti-slavery policy should be to place the freedmen in the same position in all the States as other citizens are: that is, equal in every respect before the law; and that they ought not on account of complexional differences to be debarred of any of the rights or privileges whatsoever of citizenship actually enjoyed by other citizens of the States in which slavery lately existed. It is so obvious that any departure from this principle must place the freedmen at disadvantage, directly tending to leave them at the mercy of a ruling class, that it does not seem to the committee necessary to dwell upon the many evils which their exclusion from the full rights of citizenship would entail.

The committee have observed with regret and some apprehension the various attempts that have been made to fix the rate at which the freedmen should hire out their services; in principle, such interference is unwarrantable, being an arbitrary intervention between the laborer and the hirer of labor, to the detriment of the former. A similar policy produced the worst results in the British West India colonies, the effects of which are still lamentably apparent. The committee, however, are somewhat relieved of their anxiety on this subject by the recent action of the Freedmen's Bureau, the ultimate result of which they trust will be to leave the freedmen at perfect liberty to make their own contracts for services, and to dispose of their labor in whatever markets they may find most advantageous.

In conclusion, the committee would express the fervent hope that, relying upon Divine help, you may be sustained in the discharge of the onerous duties of your high office, and that the fullest measure of prosperity may be meted out to the great American people over whom you have been called to govern.

On behalf of the committee:

EDMUND STURGE,
Chairman of Committee.
L. A. CHAMEROVZOW,
Secretary.

ANDREW JOHNSON,
President of the United States of America.

Mr. Adams to Mr. Seward.

No. 1051.] LEGATION OF THE UNITED STATES,
London, September 21, 1865.

SIR: In connexion with my despatch No. 1036, of the 7th of September, I now have the honor to transmit a copy of Lord Russell's note of the 15th, acknowledging mine of the 5th relative to the slave trade in Cuba.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 15, 1865.

SIR: I have the honor to acknowledge with thanks the receipt of your note of the 5th instant, stating that the government of the United States has been apprised of the landing of a

cargo of four hundred African negroes, between the 28th and 30th of July last, at La Ensenada de Cochinas, to the westward of Cienfuegos, in the island of Cuba, and that Mr. Bunch, her Majesty's judge at the Havana, intended to call the attention of the captain general to this matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1052] LEGATION OF THE UNITED STATES,
London, September 21, 1865.

SIR: I now have the honor to transmit to you a copy of my note to Lord Russell, in reply to his of the 30th of August, which I have already mentioned as in preparation. It is longer than I had intended to make it, but I hope it may serve to close the controversy on this side. I beg to observe that nearly all of the historical portion, which most conduced to prolixity, was of his lordship's making.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, September 18, 1865.

MY LORD: I have the honor to receive your note of the 30th of last month in reply to mine of the 20th of May last.

It gives me great satisfaction to be the medium of communicating to my government the very friendly assurances of your lordship; I cannot entertain a doubt that they will be fully appreciated.

In respect to the reference which you have done me the honor to make to me, as having at no time entertained a doubt of the intentions of her Majesty's ministers to maintain amicable relations with my government during the late severe struggle in my country, I am happy to believe that your lordship has not essentially misunderstood my sentiments. At the same time that I cheerfully confirm such declarations as may have been made by me on that subject in the correspondence I have heretofore had the honor to hold with your lordship, I trust I may be permitted to claim, on behalf of my own government, the credit of intentions to the full as amicable. Indeed, without the presence of these elements on both sides, I should have despaired of the possibility of the passage of the two nations in safety through the difficulties presented to them from within as well as from without.

But whilst I am prompt to respond to your lordship in the sense attributed to me, I pray permission to guard myself against an inference that might by possibility be drawn from a portion of your language, prejudicial to my maintenance of the course which my government has seen fit to take in regard to the events which have given rise to the present discussion. Whilst doing the fullest justice to the intentions of her Majesty's ministers, I feel equally bound to preclude the supposition that I have ever been satisfied with the measure in which, on too many occasions, they have contented themselves with carrying these intentions into practice. Inasmuch as the relations between nations, not less than between individuals, must depend upon the mode in which they fulfil their obligations towards each other, rather than upon their motives, the questions which have grown out of the events of the late war appear to lose little of their gravity from any reciprocal disavowal, however complete, of ill-will on the part of the respective governments.

I am happy to concur with your lordship in the opinion that this appears to be a favorable moment for a calm and candid examination of these questions. Were it not for this consideration I should abstain from further discussion and content myself with simply transmitting to my government the conclusion to which her Majesty's ministers have arrived, as communicated to me towards the close of your lordship's note. But entertaining, as I do, a strong impression that in the matter now at issue is involved a question of international

comity, based upon grave principles of morals of universal application, the decision of which is likely to have a very wide bearing upon the future relations of all civilized nations, and especially those most frequenting the high seas, I feel myself under the necessity of placing upon record the views of it held by the government which I have the honor to represent, at least to the extent to which the period of my service at this post has enabled me to do them but feeble justice.

In the note which I had the honor to address to your lordship on the 20th of May last, when recapitulating in the form of propositions the argument which made the basis of certain reclamations upon her Majesty's government, I submitted first of all, "That the act of recognition by her Majesty's government of insurgents as belligerents on the high seas before they had a single vessel afloat was precipitate and unprecedented."

To this affirmation I understand your lordship now to reply by candidly admitting the truth of at least one-half of it. In pleading, in justification, that the insurrection which caused it was unprecedented, you certainly concede that the recognition was so likewise. It may then hereafter be assumed as a fact beyond dispute that no similar act was ever done by one nation towards another with which it was in amity.

With regard to the other term which I took the liberty to use—the word "precipitate"—I beg leave to call your lordship's attention to the ground upon which you proceed to justify the act of recognition. You are pleased to observe that it "followed and did not precede our own declaration of the intended blockade of six or seven considerable ports, and the declaration of an intention on the part of the confederates to issue letters of marque."

Now I pray you particularly to note that if this be the whole case made, your lordship has gone the length of conceding that her Majesty's government actually adopted this most grave proceeding without the evidence in its possession of any fact whatever upon which to rest it. The statement is simply that a declaration of intentions to act had been made by the respective parties preparing for a struggle.

Hence, I feel constrained respectfully to submit it to your lordship whether in the history of civilized nations there can be found a single instance in which a step of such importance was ever taken by one friendly government in regard to another upon a mere presumption of what was going to be done—an assumption of certain acts contemplated, but not performed? It would appear to be the part of calm statesmanship, in cases which cannot fail deeply to affect the interests of a friendly nation, to postpone acting at least until something shall have been actually done to require it. In this instance there was no certainty, at the time when her Majesty's government acted, that either of those declarations of intention would be fulfilled.

The result proves that one of them, in point of fact, never was executed. Neither is it at all beyond the possibility of belief that the other would have been equally left incomplete but for this very action of her Majesty's government, which precluded all chance of avoiding to have recourse to it. The actual blockade, then, so far from being a cause, became actually an inevitable consequence of its policy. With the reluctance of my government to resort to that measure, and the causes which overcame it, your lordship must have been too fully acquainted at the time to render it necessary for me to dwell upon this matter further.

As a still stronger proof of the precipitate nature of that declaration, if any were needed, I pray permission only to refer to your published letter to Lord Lyons, written on the very day the announcement of the step taken by the government was made by yourself in the House of Commons—the 6th of May, 1861. In that letter your lordship freely admits that, by reason of the interruption of the communication between New York and Washington, you had not then any information of the precise measures actually taken, down to that moment, by either of the parties in the struggle "which *appeared* to have commenced."

Yet, in spite of these circumstances which deprived her Majesty's government of all accurate knowledge of the facts, and notwithstanding that there was no apparent cause in any event that had occurred, urgently demanding an immediate decision, it was determined to adopt this step at this time; a step which, however intended, could not, just at the beginning of an undertaking to sap by violence the established authority of a friendly power, fail to have an influence injurious to the maintenance of that authority and favorable to its overthrow. Considering the nature of the friendly intentions which your lordship is pleased to take credit for, and in which I fully believe, the very best excuse which I can imagine for this proceeding is that it was precipitate.

I should be sorry to be led to the natural inference that would follow my admitting it to have been done with deliberate premeditation. I therefore must respectfully persist, notwithstanding your lordship's reluctance, in the opinion that I have not failed to give it the epithet which most fittingly belongs to it.

But your lordship, in your note, is pleased to justify this extraordinary "unprecedented and precipitate" step on another ground. This is the "magnitude" of the appearance of the insurrection. This certainly corresponds with my impression of the reasoning which you assigned to me in the first conversation which I had the honor to hold with you after my arrival in this country, the 18th of May, 1861. This view is now amplified in the form of the propositions Nos. 1 and 2 with which your lordship has now favored me.

1st. "That the history of modern nations affords no example of an insurrection against a central government so widely extended, so immediate in its operation, so well and so long

prepared, so soon and so completely furnished with the machinery of civil government—a national representation—generals and officers of high military reputation, armies fully equipped, and fortifications recently in possession of the established government."

2d. "That intelligence reached her Majesty's government in the spring of 1861 that seven combined States had declared in favor of this insurrection; that three more States, including the great and powerful State of Virginia, were preparing to join them; that these States commanded upward of 3,000 miles of sea-coast; that they comprised more than 5,000,000 of people, exclusive of the negro slaves; that the president of the insurgent government had proclaimed his intention of issuing letters of marque and reprisal: that the President of the United States, on the other hand, had proclaimed his intention to establish a blockade of all the ports of the southern States; and that, in these circumstances, the commander of her Majesty's naval forces on the North American station earnestly solicited instructions for his guidance."

In response to this, may I be permitted to beg your attention to the fact that, with, perhaps, the exception of the gross number of the people engaged, I *do* think myself able to furnish an example of an insurrection in every particular corresponding to your description, which has occurred within the last century. I do not doubt that my allusion will at once be understood by your lordship without another word.

Yet, notwithstanding all the points of identity in that case, I cannot find that her Majesty's government was met at the outset in 1774 with any announcement by a foreign power in amity with Great Britain of a necessity immediately to recognize the insurgents as a belligerent power, because of the magnitude of the struggle or for any other cause; neither is there the smallest ground for believing that it would have tolerated the proceeding for one moment if it had been.

Her Majesty's government at once resorted, without scruple or hesitation, to every right ordinarily exercised by a belligerent in a war with a strong power, and was met with a degree of resistance more effective and enduring than any manifested in the late struggle. That resistance, too, was carried out on the ocean, where alone the interests of distant neutral States are liable to be seriously affected by the domestic strife of any nation, in a manner far more extensive than the late insurgents, by their unaided efforts, ever could have attempted. Yet a length of time elapsed before any foreign power, however much inclined, ventured to find in this state of things any reason for considering the people waging such a war as a belligerent power. It furthermore is certain, that if at any time the smallest indication of a leaning that way manifested itself in any of the commercial powers, it was immediately noted by the British government for remonstrance and reclamation.

Your lordship has been pleased to review the conduct of France in this emergency and endeavor to set aside the parallel which I attempted in my note, on the ground that that country was animated by a policy decidedly hostile to Great Britain. The fact is doubtless so. But it so happens that this only bears with the more force in my favor on the present argument. Had France, being inclined to injure Great Britain, decided to recognize the insurgents as a belligerent, it would, according to the doctrine now avowed by her Majesty's government, have been doing no more than was absolutely necessary, and altogether justifiable. Why did it not take this step at once? Unhappily for the example, Great Britain, at the outset, insisted upon considering her as a friendly power, and called upon her solemnly to desist from any attempt whatever to recognize the presence of the insurgent force. In proof of this I beg permission to quote a brief extract from a historical writer well known to have drawn his statements from official sources. Mr. Adolphus says, that in April, 1775—that is, one year after the outbreak of the insurrection—"The friendly disposition of the French government towards Great Britain had been unequivocally demonstrated; and the expectation that succor would be afforded to the Americans *was suppressed by an edict prohibiting all intercourse with them.*"

It thus appears that no idea was, at that early period, entertained by the British authorities of any unfriendly disposition on the part of France. So far from being inclined, as your lordship supposes it might have been, to give such aid to the insurrection, which since 1774 had been developing its great proportions, by any recognition of it as a belligerent, the French sovereign frankly responded to an appeal made by Great Britain, by interdicting his people from all relations whatever with the Americans. In other words, the example shows that on both sides there was not the remotest conception that a recognition of insurgents as a belligerent immediately upon the breaking out of the insurrection could be considered as a justifiable act on the part of a friendly power.

This brings me to the point at which I am compelled to question the soundness of the proposition upon which your lordship appears to proceed, to wit, that the action of foreign countries in reference to an insurrection that may take place against the established government of a friendly power is to be regulated by a consideration of the magnitude of the numbers that are engaged in the struggle. To my mind there is a difficulty in finding a foundation in sound principle for drawing such a distinction. If I may be permitted to express my own impression, it is that this action of foreign governments, if presumed to be really friendly, is rather to be based upon something like the same rule which they, whether representing large or small communities, would desire to be applied to themselves when in similar circumstances.

The true criterion by which to be guided appears to be rather framed by patient observa-

tion of the probabilities of the issue. This can rarely be foreseen at the outset. It is not dependent on the mere accident of numbers. The force which lately overturned the government at Naples did not seem adequate to the object, yet it was accomplished, nevertheless, and foreign nations consequently recognized the result. On the other hand, the numerical force enlisted in the insurrection in the United States seemed large, but time has shown that there never was a moment whilst it lasted that it had a chance of success against the resolute perseverance of a far stronger antagonist. For a foreign nation to have recognized in advance the handful of followers under the lead of General Garibaldi as a belligerent power would have been everywhere regarded as a violation of comity to the sovereign then ruling at Naples, and interfering to uphold an otherwise desperate undertaking; yet the new kingdom of Italy was the offspring of this enterprise. On the other hand, the attempt in advance to assume the unlikelihood that the legitimate authorities in the United States would sustain themselves, purely because of the magnitude of the forces levied against them, and to make this reason a basis for an "unprecedented and precipitate" act investing them with the rights of a belligerent all over the world, has ended only in furnishing a historical precedent, against the authority of which I cannot but feel it to be for the peace and harmony of civilized nations for all later times most earnestly to protest.

If I am correct in this view, then the conclusion which I find true international comity to prompt is this: Whenever an insurrection against the established government of a country takes place, the duty of governments under obligations to maintain peace and friendship with it appears to be, at first, to abstain carefully from any step that may have the smallest influence in affecting the result. Whenever facts occur of which it is necessary to take notice, either because they involve a necessity of protecting personal interests at home, or avoiding an implication in the struggle, then it appears to be just and right to provide for the emergency by specific measures, precisely to the extent that may be required, but no further. It is then facts alone, and not appearances or presumptions, that justify action. But even these are not to be dealt with further than the occasion demands—a rigid neutrality in whatever may be done is, of course, understood. If after the lapse of a reasonable period there be little prospect of a termination of the struggle, especially if this be carried on upon the ocean, a recognition of the parties as belligerents appears to be justifiable, and at that time, so far as I can ascertain, such a step has never in fact been objected to. Lastly, when the evidence sustains a belief that the established government has utterly lost the power of control over the resistance made without probability of recovery, it is competent for any friendly government to recognize the insurgent force as an independent power, without giving just cause for offence.

Such appears to me to have been the course rigidly adhered to by the government which I have the honor to represent in the long struggle that took place between Spain and her colonies in South America. On which side of it the sympathies of the people were, cannot admit of a doubt. Yet the respective dates which your lordship has been kind enough to search out, and record in your note, sufficiently establish the fact how carefully all precipitation was avoided in judging of the issue in regard to the mother country. I may, perhaps, be permitted to observe that the action of her Majesty's government in the same cases furnishes even stronger precedents to confirm the soundness of my views. Its recognition of belligerency in these instances cannot be considered as suitably described by either term "unprecedented" or "precipitate."

I have dwelt at some length upon this original point of difference between the two countries, because it has ever seemed to me the fruitful parent of all the subsequent difficulties, the nurse of a very large share of ill feeling which I cannot deny now prevails among my countrymen. How much stress has been laid upon it by my government, and how ably Mr. Seward, to whom your lordship has kindly paid so grateful a compliment, has heretofore applied, what you justly term, "his remarkable powers of mind" to it, I am sure I need not remind you. In my note of the 20th of May I endeavored to arrange in a logical sequence of distinct propositions the effects which followed this as the first step, and which have led to the reclamations I have been constrained by my instructions to present. I do not propose at this time to dwell upon them further. I will only venture to excuse the earnestness with which I venture to give expression to my views, under the plea of my belief that upon a correct decision in this controversy may depend the security which the commerce of belligerents will hereafter enjoy on the high seas, against the hazard of being swept from them through the acts of nations professing to be neutral and bound to be friendly.

For if it be once fairly established as a principle of the international code that a neutral power is the sole judge of the degree to which it has done its duty, under a code of its own making for the prevention of gross and flagrant outrages, initiated in its own ports by the agents of one belligerent in co-operation with numbers of its own subjects, and perpetrated upon the commerce of the other on the high seas; if it be conceded that the neutral, upon reclamation made for the injuries thus done by reason of the manifest inefficacy of its means of repression, which it has at all times the power to improve at will, can deliberately decline to respond to any such appeal, fall back upon the little that it has attempted as an excuse, and thenceforward claim with justice to be released from the inevitable consequences that must ensue from its inaction, then it must surely follow that the only competition between neutral powers hereafter will be, not which shall do the most, but which shall do the least to fulfil its obligations of interdiction of the industry and enterprise of its people in promoting the conflicts

that take place between belligerents on the ocean. If this be once recognized as good law, through the authority which the powerful influence of her Majesty's government can attach to it, I dare not venture to foresee how much reluctance there may be on the part of the people whom I have the honor to represent to accept and act upon it. Hitherto a want of eagerness on the part of the most adventurous and least scrupulous portion of them to promote enterprises on behalf of any belligerent that promised personal advantage cannot be charged upon them. The references made by your lordship to the cases of Spain and Portugal must have convinced you of this truth. The prospect of impunity in such enterprises is all that is needed. Further than this, I might only venture to suggest to your lordship to consider which of the nations of the world presents on every sea around the globe the most tempting prizes in an event, no friend would more deplore than myself, of its being again, as it has so often been heretofore, doomed to be afflicted by the calamities of a war.

It does so happen, however, that no doctrine of this kind has yet been accepted as legitimate by the government which I represent.

On the contrary, it has ever assumed the painful and difficult task of responding to the just appeals of foreign friendly nations for protection against such enterprises. Whenever representations have been made by their agents, measures have been promptly taken to enforce the laws; and when the issue proved the inefficiency of the existing statutes, the duty of further legislation has been promptly recognized. This appears to me to constitute the full obligation of a neutral. Singularly enough, this course was taken in at least three instances on the representations made by authority of her Majesty's government. I allude to the first law passed in 1794 in consequence of the complaints and at the special instance of Mr. Hammond, and to another in 1797. Your lordship appears to me but partially to state what was done when you dwell only on the compensation actually made for the cases in which there had been a failure to act. These laws were enacted to provide a better preventive process in all future cases, mainly for the protection of British commerce.

The third example was the law of 1838, which was the remedy applied to excesses committed on the boundary of the British provinces in Canada by persons in the United States when the existing statutes were found not effective to restrain or punish.

Thus it was, too, in the case of Portugal, to which your lordship is pleased once more to call my attention. And here I must ask permission to restate my view of the matter, which seems to have failed to be fully considered by your lordship. I certainly understood you to introduce the case into the correspondence as going to show this: that the government of the United States had set a precedent of disavowing further responsibility in cases of reclamations for injuries committed on the high seas by outfits made in despite of them in their ports against the commerce of Portugal, which the existing law had proved on trial ineffective to prevent or punish. This is the precise position which I understood her Majesty's government to assume. Hence the value of the example as a personal argument in the present instance.

In opposition to this view, it has been my purpose, by appealing to the facts in the case, to show that the government had at once recognized the validity of the remonstrances of Portugal by first resorting to the laws already provided to meet the case by appeal to the courts, and next by promptly responding to the later demands of the same nation for more effectual modes of restraint than those which experience had shown to be ineffectual. To meet this demand a new law more particularly addressed to the object of prevention had been enacted, the efficacy of which proved so considerable as actually to elicit from the remonstrating party repeated expressions of his satisfaction with it. It does not appear that any further security was ever asked than this. The governmen had done everything that could be reasonably required. It was, therefore, discharged from responsibility.

There were, indeed, subsequent cases of wrongful outfits and captures of which your lordship has taken note. But in reply to the remonstrances that followed, the answer was prompt that they no longer raised questions that called for the interposition of the executive department. Its whole duty had been performed. The true remedy was now open by an appeal to the courts. The language of Mr. Adams, in his reply to M. Correa de Serra, a portion of which only I perceive has been introduced in your lordship's note, goes directly to this point. I pray permission to supply it in the following extract:

"The government of the United States has neither countenanced nor permitted any violation of that neutrality by their citizens. *They have by various and successive acts of legislation manifested their constant earnestness to fulfil their duties towards all the parties to that war;* they have repressed every intended violation of them which has been brought before their courts, and substantiated by testimony conformable to principles recognized by all tribunals of similar jurisdiction."

Your lordship, in reading this passage, could hardly have failed to feel the force of the successive affirmations of fact which form the grounds of the plea that all the obligations imposed upon a neutral power in such cases had been fulfilled.

The fact in the case, was that M. Correa de Serra in his representations had begun to change his grounds of complaint, and direct his charges against the administration of justice in the courts. This was a position obviously untenable. Much and sorely as I have felt at times the little chance that the United States has stood of receiving impartial justice in her Majesty's courts, I have never received from my government any instructions which did not fully recognize the impropriety of raising a question in regard to their decisions. This makes no part whatever

of the grounds upon which I am instructed to make reclamations. The question has never been as to what the judicial tribunals have done or failed to do. It turns exclusively upon the duties of a neutral government to perform its obligations to a friendly power by a prompt and energetic policy of repression of flagrant wrongs through existing means, and in the event of a failure of those means by the adoption of others, which it was entirely within its power to supply, if so disposed. The responsibility entailed upon her Majesty's government in the present instance has always seemed to me to grow out of the feebleness of its measures of prevention at the outset, and its deliberate refusal to obtain an enlargement of its powers after existing remedies had proved unavailing.

With respect to that portion of your lordship's note which appears to defend the existing legislation as having really proved adequate, I beg leave only to remark that it is sufficiently answered by the fact that you proceed to specify in proof of it only those cases in which her Majesty's government is admitted to have taken a responsibility of action beyond the law. Whilst I have always been ready to bear testimony to the eminent utility of the action for which your lordship appears to have assumed a grave responsibility, I am at a loss to perceive how this diminishes the force of the reasoning which would seek from the legitimate protection of the law of the land that performance of obligation which appears now to depend only on the courage of the minister to transcend its limits.

And here I must pray permission to dwell a moment upon one passage of your lordship's note which has excited a strong sense of surprise, not to say astonishment. In order that I may by no possibility be guilty of any misconstruction of the meaning of the language, I take the liberty, with your permission, to transfer the very words. They are these:

"You say, indeed, that the government of the United States altered the law at the request of the Portuguese minister.

"But you forget that the law thus altered was the law of 1794, and that the law of 1818, then adopted was in fact, so far as it was considered applicable to the circumstances and institutions of this country, the model of our foreign enlistment act of 1819.

"Surely, then, it is not enough to say that your government, at the request of Portugal, induced Congress to provide a new and more stringent law for the purpose of preventing depredations, if Great Britain has already such a law. Had the law of the United States of 1818 not been already in its main provisions adopted by our legislature, you might reasonably have asked us to make a new law, but surely we are not bound to go on making new laws *ad infinitum* because new occasions arise."

If I do not rightly comprehend the sense of your lordship, I pray to be corrected, when I assume it to be, that an argument drawn from the precedent of the course of my government in enacting a new law to meet the remonstrance of the Portuguese minister has no force in supporting the representation I make in the present instance, because these very provisions of American legislation have been already long since substantially adopted by Great Britain in the enlistment act, the very act which is now complained of as ineffective. In other words, your lordship appears to take it for granted that Great Britain, having already passed a law as stringent and effective as that of the United States, is, therefore, justified in declining any proposal to go on amending it.

If this be in verity your position, I must pray your pardon if I hazard the remark, in reply, that you cannot have given to the respective statutes in question the benefit of that careful collation which the occasion would seem to require. If you had done so, you must have noticed that in point of fact they are materially unlike. The British law is, as your lordship states, a re-enactment of that of the United States, but it does not adopt all of "its main provisions," as you seem to suppose. Singularly enough, it entirely omits those very same sections which were originally enacted in 1817, as a temporary law on the complaint of the Portuguese minister, and were made permanent in that of 1818. It is in these very sections that our experience has shown us to reside the best preventive force in the whole law. I do not doubt, as I had the honor to remark in my former note, that if they had been also incorporated into the British statute, a large portion of the undertakings of which my government so justly complains would have never been commenced; or, if commenced, would never have been executed. Surely it was not from any fault of the United States that these effective provisions of their own law failed to find a place in the corresponding legislation of Great Britain. But the occasion having arisen when the absence of some similar security was felt by my government to be productive of the most injurious effects, I cannot but think that it was not so unreasonable, as your lordship appears to assume, that it should hope to see a willingness in that of Great Britain to make the reciprocal legislation still more complete. In that hope it was destined to be utterly disappointed. Her Majesty's government decided not to act. Of that decision it is no part of my duty to complain. The responsibility for the injuries done to citizens of the United States by the subjects of a friendly nation, by reason of this refusal to respond, surely cannot be made to rest with them. It appears, therefore, necessarily to attach to the party making the refusal.

But if the example thus set by her Majesty's government should come to be generally adopted, and the principles of neutrality upon which it rests be recognized as a part of the code of international law, then it is not difficult to foresee the probable consequence. A new era in the relations of neutrals to belligerents on the high seas will open. Neutral ports in that event will before long become the true centres from which the most effective and dangerous

enterprises against the commerce of belligerents may be contrived, fitted out and executed. The existing restrictions upon the exploit of daring adventurers will rapidly become obsolete, and no new ones will be adopted. Ships, men, and money will always be at hand for the service of any power sufficiently strong to hold forth a probability of repayment in any form, or adroit enough to secure a share of the popular sympathy in its undertakings. New Floridas, Alabamas, Shenandoahs, will appear on every sea. If such be the recognized law, I will not undertake to affirm that the country which I have the honor to represent would not in the end be as able to accommodate itself to the new circumstances as Great Britain. Whilst I cannot but think that every moderate statesman would deprecate such a change, which could hardly fail to increase the hazard of lamentable complications among the great maritime powers, I cannot see an escape from it, if a nation itself possessing a marine so numerous and extensively dispersed decides to lead the way.

Entertaining these views, it appears scarcely necessary for me to follow your lordship further in the examination of details of former precedents either in English or American history. I am happily relieved from any such necessity by learning the conclusions to which her Majesty's government have arrived. Understanding it to decline the proposal of arbitration which I had the honor, under instructions, to present, in any form, for reasons assigned by your lordship, I nevertheless am happy to be informed that "her Majesty's government are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war, which the two powers shall agree to refer to the commissioners."

I have taken measures to make known, at the earliest moment, this proposal to my government, and shall ask permission to await the return of instructions before giving a reply.

Disclaiming all authority to express in advance any opinion on the part of my government, I pray at the same time your lordship's attention to a single circumstance, which, without a previous agreement upon the great principles of international law involved in this controversy, may raise a difficulty in the way of accepting the proposal. At a first glance it would appear as if it were in substance identically the same with that long ago made by the Portuguese government to that of the United States. The essence of the answer returned in that case happens to have lately passed under your eye, since it is found incorporated in your lordship's note. I trust I cannot be suspected of a desire to imply that in taking this step her Majesty's government could have sought to appear either as proposing, on the one hand, a measure which it foresaw must be declined, or, on the other, one which, if accepted, could be so accepted only at the risk of a charge of disavowing the views of constitutional or international law entertained by my government in former times. It may indeed be that in this view I may, after explanation, find that I have misconceived the nature of your lordship's proposal, or the view which my government will take of it, in which case I pray you to excuse the suggestion, and consider it as made without authority, and solely in the hope of eliciting such explanation.

I take great satisfaction in concluding this note by cordially responding to your lordship's request "to join with her Majesty's government in rejoicing that the war has ended without any rupture between two nations which ought to be connected by the closest bonds of amity."

I likewise receive with great pleasure your lordship's assurances that the efforts by which the government and Congress of my country have shaken off slavery "have the warmest sympathies of the people of these kingdoms."

If from painful observation in a service extended through four years I cannot, in candor, yield an entire assent to this statement, as applied to a large and too influential a portion of her Majesty's subjects; if it has been my misfortune to observe, in the process of so wonderful a revolution, a degree of coldness and apathy prevailing in many quarters from which my countrymen had every right to expect warm and earnest sympathy; if throughout this great trial, the severity of which few, if not well versed in the nature of our institutions, could fully comprehend, the voice or encouragement from this side of the water has too often emitted a doubtful sound, I yet indulge the hope that the result arrived at will ultimately correct the hasty and harsh judgments that flowed from lack of faith and of confidence in our fidelity to a righteous cause. Of the friendly disposition in this regard of the members of her Majesty's government, and especially of your lordship, I have never permitted myself to doubt; and yet, in the midst of the gravest of our difficulties, I cannot forget that even your lordship was pleased, in an official published despatch, to visit with the severity of your but too weighty censure the greatest political measure of the late lamented President—that which, in fact, opened the only practicable way to the final attainment of the glorious end. Under such circumstances I pray you not to be surprised if I am compelled not to disguise the belief that with my government, as among my countrymen at large, there is still left a strong sense of injured feeling, which only time and the hopes of a better understanding in future, held out by the conciliatory strain in your lordship's note, are likely to correct.

Recognizing most fully the justice and propriety of the joint policy marked out in your concluding sentence,

I have the honor to be, with the highest consideration, my lord, your most obedient, humble servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1054.] LEGATION OF THE UNITED STATES,
London, September 22, 1865.

SIR: I have already had the honor to inform the department that I took advantage of the customary cessation of all official business, excepting such as is formal in London during the month of August, to make an excursion to the neighboring kingdom of Ireland. By reference to the archives of the legation, I find that a similar trip was made by my predecessor, Mr. Abbott Lawrence, in 1851, and that he made it the basis of an elaborate and valuable report of his observations. It may not be wholly without interest to you, if, without repeating these, I endeavor to lay before you in a brief space, my views of the changes that have taken place since he wrote, fourteen years ago.

I would first remark, however, that the respective routes which we took through the country are not altogether the same. Whilst Mr. Lawrence first went from Dublin quite across the island to Galway, then, returning to Athlone, went south to Limerick and Cork, I went first to Cork, and, reversing the course, passed over the same ground as far as Athlone, but not farther west. On the other hand, I traversed a great part of the northern region, starting from the east side at Dublin, thence proceeding to Belfast, and returning by a circuit through Londonderry, Enniskillen, and Dundalk. None of this portion of the island was visited by him.

My general conclusion is, that whilst I concur in the justice of my predecessor's observations as applied to the precise region through which he passed, I at the same time cannot but think they scarcely give a correct idea of the condition of the island as a whole. So far as I could perceive, the northern portion, embracing the whole of the province of Ulster, must be judged to be both quiet and prosperous. This prosperity, mainly owing to a distribution of industry between agriculture, manufactures and commerce, has been greatly increased during the troubles in America. This is owing to the larger consumption of linens, the chief commodity made, occasioned by the check given to the manufacture of cotton. This influence has extended beyond the process of manufacture, by at the same time stimulating the cultivation of flax, the raw material upon which it depends. I have not seen anywhere in England more indications of comfort, plenty and general good condition, than are to be found in that portion of the northern province through which I passed. Neither did I observe in the more populous towns more instances of poverty and destitution than are to be met with anywhere in corresponding places in the three kingdoms, with the exception, perhaps, of North Wales.

The same observation may be made, but in a much more qualified degree, of the central and eastern region, including Dublin and its vicinity. Although the prosperity is not so much marked, and the poverty is more apparent, the aspect of the dwellings, the cultivation of the lands, and the substantial condition of the middle classes, all combine to disprove the presence of suffering much beyond the average in most nations of the Old World.

The result is, that the wretchedness which Mr. Lawrence describes, instead of being universal, appears to be confined to one portion of the island. This extends through the south and west, and is most striking in Cork and Kerry, Galway and Tipperary. I met with the clearest evidence of it in passing through the tract between Bandon and Kenmare, especially at Bantry.

The impression which I gathered, however, is that, as compared with the picture given by Mr. Lawrence, I observed a slow but sensible improvement even here. It may come, it is true, not from increase of numbers, but is rather the

consequence of the steady diminution which has raised the rate of wages. Mr. Lawrence mentions the price of a common agricultural laborer during the harvest of 1851, as ranging from four to five shillings per week. It was stated to me to be this season from six to eight shillings. One reason of this may be, indeed, that the crops this year are exceptionally good. To us, in America, even this maximum, which can often be earned in some portions of our country by a single day's work, may seem painfully small. We may wonder why such a difference, when well known to the people, should not lead to a depopulation, at least so far as the able-bodied men are concerned. The chief reason why it does not is to be found only in the insurmountable obstacles presented by the state of destitution itself. The fact of the difference of wages is everywhere known. The tendency to emigration is shown by the number of advertisements posted on the walls of every town of steam packets which offer to transport people at very low prices. But even the cheapest rate is far beyond the reach of the mass of people. As a consequence, it happens that those who actually depart are persons possessing small means, or else such as obtain assistance either from the more wealthy or from relations already settled in America to enable them to cross.

One effect of this form of emigration is to leave in the midst of the community a great and festering sore of discontent. Hearing the most exciting accounts of the prospects held forth to them in America, and powerless to cross the gulf that separates them from it, the tendency is to repine at their fate, and to lay the blame of it somewhere. Very naturally the government comes in as the great object. The sense of oppression is aggravated by the distinction of religious faith which marks the Roman Catholics as of the servile class almost as distinctly as the negroes are marked by difference of color with us. Whatever their priests may have done in sowing the seeds of this distemper in former times, I believe them free from all desire to disseminate it now. Emigration in such numbers is not to their taste. The old impressions, however, deriving constant support from American sympathy, retain their full force. Hence a singular result which is making itself perceptible more and more.

This is the establishment of a secret organization having its affiliations in both hemispheres. I refer to the Fenians. Of its precise nature I have not taken much trouble to inform myself; but I know enough to say, that its basis is the popular hatred of the English rule, and its object to prepare the means of seizing the first favorable opportunity to throw it off. Of the spread of this association throughout the southern and western part of Ireland there can now be no doubt. It organizes into clubs, the members of which are engaged in drilling themselves at night in secret, just as if they were preparing for some violent outbreak. The attention of the government has been roused to these proceedings, and some measures of repression have been already resorted to. The newspapers will have furnished to you the details. I had occasion to observe that nearly all of the larger towns I visited were garrisoned with more or less of British troops, not to speak of the establishment of the great camp at the Curragh. It is likewise certain that armed vessels have been stationed off the western coast to watch the possibility of assistance from abroad. An association which has called forth such energetic proceedings from a government generally so sluggish in movement must have gathered numbers sufficient at least to give it a semblance of political strength.

For my own part, whilst I have perceived the occasion for their uneasiness, I have never anticipated any difficulty that would prove serious. The disaffected class may be large; but it is poor, unarmed, and generally wanting in the elements of moral power. Any resort to violence could end only in the slaughter of thousands without the possibility of attaining a single object. The effect would be merely to play into the hands of their opponents. A far more dangerous policy would be to keep up and assiduously extend the secret dis-

affection, which might perhaps be done by the aid of American sympathy, until the procrastination of uneasiness should weary the government into radical measures to remove a constant danger by promoting the transportation of the disaffected poor at the public expense.

I am well convinced that this measure, however attempted, is the only one likely to remedy the evils that afflict the southwestern portion of this unlucky island. It would effect a permanent diminution in population, now much too numerous for the means of subsistence at their command, and yet prolific from the very fact of its poverty. In their places might be substituted stocks of cattle which might be fattened on lands which now meagerly respond to the industry of man, just as has been done in the highlands of Scotland. The great landholders would thus be enabled to enjoy the benefit of rents almost as large as they do, without the necessity of squeezing them out of the vitals of the human race. The steady extension of the liberal policy already inaugurated by the British government, which might tend gradually to wear away the remaining traces of ancient wrongs, and give a homogeneous character to the people now so much divided, could be relied upon to do the rest. In such a contingency Ireland might not be so powerful an integral part of the empire as it now seems; but, on the other hand, it would cease to be a source of real weakness. What might be lost in appearance would be gained in fact; Ireland might become what Scotland already has been made—a thoroughly loyal portion of the British dominions.

It may be long before the mode of relief here indicated will be resorted to; meanwhile the less effective and more dangerous process of voluntary emigration to America of the able-bodied of the middle classes will probably go on. The political effect of this is not inconsiderable. I am inclined to attribute it to the almost universal manifestation of ill will to the United States, in the late struggle, which took place among the better classes in this island. It was much more marked here than elsewhere. Little as they value their population, they cannot disguise the dislike they feel to the loss of them under an influence which springs from a kindred nation under different institutions. There can be no doubt that to this cause must be traced the prevalence of the same tendencies among the privileged classes in general throughout Great Britain. But the feeling was less strong in degree in proportion to the view taken of the temper of the lower classes. In England, few persons consider a serious insurrection a possibility. In Ireland, few have it ever out of their minds: conscious of the existence of the evil, and hopeless of any system of remedy, instead of thanking America for the relief which emigration gives them, they are disposed to quarrel with her because she creates in their people a desire to go.

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CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Adams.

No. 1543.] DEPARTMENT OF STATE,
Washington, September 23, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 7th instant, No. 1039, and the copy of correspondence respecting the schooner St. Mary's which accompanied it.

Your note to Earl Russell is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London.*

Mr. Seward to Mr. Adams.

No. 1544.] DEPARTMENT OF STATE,
Washington, September 25, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch of the 22d of June last, No. 996, which was addressed to William Hunter, esq., acting Secretary of State.

It presented to us the resolution which was adopted by the citizens of Cardiff on the occasion of the lamented death of President Lincoln.

The President of the United States desires you to assure those citizens that he appreciates the noble and generous sentiments which they have expressed.

I think it is almost unnecessary to say, once for all occasions, that in all proceedings of this sort, it is expected that the communications of this government to unofficial persons in Great Britain will be made in a manner understood and acceptable to her Britannic Majesty's government. There is, perhaps, more need of saying that, so far as shall seem necessary and be conveniently possible, it will be proper to excuse the delay of replies like the one now sent, upon the too manifest grounds of the change which has occurred in the chief magistracy of the government, the gravity of duties resulting from the transition of the country from civil war to a condition of internal peace, and, especially, the fact that the only persons in the department of foreign relations to whom the conduct of international questions is confided, have been in a large degree disabled by casualties from the performance of effective duties.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c., London.*

Mr. Seward to Mr. Adams.

No. 1545.] DEPARTMENT OF STATE,
Washington, September 25, 1865.

SIR: Your despatches of the respective dates of the 7th and 8th instant, Nos. 1042 and 1043, the former accompanied by a copy of a note of the 30th ultimo, from Earl Russell to yourself, upon the subject of claims against Great Britain, growing out of the depredations of British built and armed vessels upon the commerce of the United States, have been received. These communications will receive the attention which they deserve.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1551.] DEPARTMENT OF STATE,
Washington, September 27, 1865.

SIR: I have already acknowledged the receipt of your two despatches of the 7th of September, 1865, No. 1042, and the 8th of the same month, No. 1043, the former of which was accompanied by Earl Russell's elaborate answer of August 30, 1865, to your note addressed to him on the 20th of May. Both of your despatches relate exclusively to that answer.

What I have now to remark, on the subject brought up before the President by the papers to which I have thus alluded, is written under his direction.

First, I sympathize with you in the satisfaction you express with an improvement in the respect of conciliation which is manifested by her Majesty's principal secretary for foreign affairs in the recent note by which he has returned to your suspended correspondence. The friendly spirit in which the instructions of this department have hitherto been given has undergone no change. It is eminently to be desired that the kind feelings and good wishes thus mutually expressed shall have their due influence upon the further discussion of the questions which the exciting events of the last four years have left unadjusted.

Second, it is observed that you have proposed to yourself to submit a reply to Earl Russell upon the subjects discussed in the correspondence of which his answer is a part, with a view to correct some singular misconceptions which are found in his narration of historical events. It is further observed that in executing this purpose, it was your intention to leave entirely free for the consideration of this department the proposal for a joint convention which is now made by Earl Russell.

Your purposes thus expressed are approved. This department, in the despatches to which you refer in your No. 917, issued the more special instructions under which you formally opened the discussion. The country was then engaged in a civil war in which the insurgents were receiving from subjects of Great Britain sympathies and aids of immense value, and from its government the benefits of a recognition as a lawful belligerent on land and sea. What was sought in the correspondence thus instituted was a relinquishment by British subjects of proceedings and practices directly aggressive upon the United States, together with redress for injuries of the same character which had then already been committed and had become intolerable.

At the time the correspondence began it seems to have been believed and expected, not only by the British government and by the British nation, but even by all of the recognized statesmen of Europe, that our civil war must ultimately end in the dismemberment of the American Union. Earl Russell, as he says with frankness, purposely postponed a formal answer to *your* note until the 30th of August last, at which time the American Union had been rescued from all its dangers, and was found exercising its proper authority over all its national territories, no longer opposed by an enemy in any quarter of the world.

It is not said, nor is it supposed, that Earl Russell's views were unfriendly in delaying his answer until this happy change of affairs had occurred. Nevertheless, his government has had the advantage, whatever it was, of the delay which he thus made. On the other hand, this government may reasonably be expected to avail itself of the advantages, if any, which have resulted from the same change of circumstances.

In a note of yours to Earl Russell, written so long ago as the 23d of October, 1863, in regard to the difficulties in our relations then developed, you remarked as follows: "I am directed to say there is no fair and equitable form of conventional arbitrament or reference to which they," the United States, "will not be willing to submit."

Earl Russell at this late day recalls the friendly remark thus incidentally made by you, and, manifestly treating it in the character of a formal proposition for arbitration still existing, if not newly tendered, states reasons why such a mode of adjustment would not be acceptable to her Britannic Majesty's government. You are authorized, therefore, to say, that whatever may have heretofore been or might now have been thought by us of umpirage between the two powers, no such proposition for arbitration of the existing differences will henceforward be insisted upon or submitted to by this government.

In disallowing our assumed proposition for arbitration, Earl Russell distinctly declares that her Majesty's government must decline to make reparation or compensation for the captures which were made by the Alabama.

Nevertheless, Earl Russell announces that her Majesty's government are

ready to consent to the appointment of a commission, to which should be referred all claims which have arisen during our civil war, and which the two powers should agree to refer to the commission.

Earl Russell is understood by us, in submitting this proposition, as implying, that among those claims which her Britannic Majesty's government would not agree to refer to such a joint commission are the claims heretofore presented in behalf of American citizens or others for redress and reparation in cases of captures and spoliations made by the Alabama, and other vessels of her class, including even the Shenandoah, now still engaged in the same work of depredation, which piratical vessels, as is alleged by the United States, were fitted out, manned, equipped, and despatched by British subjects in British ports.

You are requested to inquire whether this construction of the earl's note is correct, and to ask his lordship to specify what class of claims her Majesty's government would consent to refer to such a commission as he proposes. Perhaps his lordship will specify what classes of claims her Majesty's government are willing to refer, and what classes they are not willing to refer.

Further instructions upon this subject will be reserved until we shall have received a copy of your reply to Earl Russell, together with the explanations, the request for which is now to be submitted by you in conformity with this instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1552.] DEPARTMENT OF STATE,
Washington, September 29, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 14th instant, (No. 1044,) in regard to the visit of the ex-Queen of the Sandwich Islands to England.

While approving your vigilance in the matter, I have to request that you will exercise your own discretion as to making suggestions to the effect that we would not look with satisfaction upon any special change in the attitude of the Hawaiian kingdom affecting its relations to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1059.] LEGATION OF THE UNITED STATES,
London, September 29, 1865.

SIR: I transmit to you copies of the London Times of the 26th, of the 27th, of this month, and of this morning.

That of the 26th has a leader on the subject of the continued piracies of the Shenandoah, which sufficiently betrays the uneasiness that is felt on that subject. The other two relate more particularly to the President himself and to his policy. You will not fail to note the remarkable change that has taken place since the time when I forwarded with my despatch No. 936, of the 28th

of April, the first notice of himself that appeared after the news of his accession I then ventured to predict the possibility of a conversion in his case like that which happened in that of his predecessor.

I am glad to learn from the tone of those newspapers understood to be most in the way of hints from high sources that the relations between the two countries are thought to have been at no time so perfectly amicable as now.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of September 26, 1865.]

There is every reason to hope that peace, abroad as well as at home, will be the leading aim of President Johnson's policy. Few could have expected that one who denounced rebellion so sternly would display such moderation and humanity in the hour of triumph, or that so eager a partisan would prove capable of rising so far above party influences. Perhaps Mr. Johnson himself, like his predecessor, Mr. Lincoln, hardly foresaw the mellowing effect of responsibility upon his earlier views, and would freely admit that, in the short experience of office, he has both learnt and forgotten much. This power of rapid self-adaptation is an eminently American virtue, and it has infinitely facilitated the work of pacification in the south. The southerners do not pretend to have altered their private convictions, but they look facts in the face, and, finding the question of slavery settled once for all by force of arms, they make the best of it and cheerfully rejoin the Union. The same good sense and readiness to let bygones be bygones have been shown by the northern people, and still more remarkably by the government. What concerns us, however, more nearly is the present attitude of the United States towards foreign powers, and here, again, it is but just to acknowledge that our fears have not been realized. Even Mr. Cobden firmly believed that a declaration of war against the Mexican empire would follow immediately upon the subjugation of the south, but nothing of the kind has yet taken place, or appears to be contemplated. Our own relations with the Washington government have never been more friendly since France and England, in justice to the United States as well as to themselves, recognized the confederates as belligerents. Mr. Seward, indeed, took exception to the terms in which Lord Russell announced the withdrawal of that recognition, but he coupled his remonstrances with assurances of his desire not only to preserve amity, but to establish "a lasting and intimate friendship between the two nations." The sincerity of this desire is fully appreciated in this country, and the remembrance of any misunderstandings that may have arisen in the course of the war is becoming fainter and fainter every day on this side of the Atlantic. It is, therefore, peculiarly vexatious to hear that one source of irritation, which ought long since to have been closed, is still kept open by the proceedings of the Shenandoah, which continues to rove the seas under a confederate flag.

We have already called the attention of our readers to the depredations of this cruiser—the only relic of a flotilla which once numbered five steamers and four sailing vessels. In spite of positive information that the confederacy was crushed, that President Davis was a prisoner, and that all the southern generals had laid down their arms, Captain Waddell chose to wait for an official notification of it from a government which no longer existed, and to pursue, in the mean time, his buccaneering voyage. Having planned a kind of *battue* among the whalers of the northern Pacific, he was engaged, by the last accounts, in burning one after another, and it was believed that he would succeed in destroying the whole fleet. Such ravages had never been committed by the Alabama herself during the height of the war, and they, of course, infuriated the mercantile community at San Francisco, to which port many of these ships belonged. The news has since reached the United States, and our Washington correspondent comments on its effect in keeping alive the old grudge against Great Britain. It is natural that it should do so, and, however little we may deserve them, we must bear patiently with reproaches for which there is too good an excuse. The mischief done in wanton malice by the Shenandoah is enough to justify any degree of resentment, and as there is no one else to be held responsible, except Captain Waddell, who cannot be got at, no wonder that the brunt of it falls upon us. So far as we are blamed for the original launching of the Shenandoah in British waters, we can only reply, as we have so often replied before, that we had no means of preventing the construction of a hulk which should afterwards be converted into a ship-of-war beyond our own territory. On another point, however, there seems to be a misapprehension which it is desirable to remove. The special ground of complaint against us, as reported by our correspondent, is, that we have deviated from the course adopted by other powers, and given confederate cruisers the benefit of twenty-four hours' shelter in British ports, "so that," (to quote the words of an American officer,) "even if our vessels followed the Shenandoah into any of your ports, in any part of the

world, we should not be allowed to take her." Thus stated, the construction put on Lord Russell's despatch by the American public is erroneous in more than one respect. It is not the fact that her Majesty's government stood alone in the application of the twenty-four hours' rule, for precisely the same ground was taken by the French government. Nor is it the fact that Captain Waddell would be able to claim the benefit of that rule under any circumstances whatsoever.

Nothing can be simpler than the principles on which we have granted or refused shelter to these cruisers. On the 31st of January, 1862, Lord Russell communicated to the colonial office certain directions for the guidance of colonial governors. The first part of these directions related exclusively to the Bahamas, and prohibited the admission of any vessel-of war, federal or confederate, to any harbor in those islands, "except by special leave of the lieutenant governor, or in case of stress of weather." Any such vessels-of-war, or any vessels-of-war which might be already lying there, were to be required to depart with all possible despatch, but no ship-of-war belonging to one belligerent was to be permitted to sail within twenty-four hours after the departure of any ship belonging to the other belligerent. The rule laid down for the United Kingdom and the colonies differed from this in one particular. Ships-of-war belonging to either belligerent were not directly prohibited from entering or remaining in our ports, but only from making them a place of resort for purposes of war or warlike equipment. They were, therefore, to be sheltered there so long as might be absolutely necessary for provisioning or repairing, but *the same twenty-four hours' rule was to be applied.* When the recognition of the Confederate States as belligerents was cancelled on the 2d of June last, all the ports in our empire were closed against vessels-of-war under a confederate flag, and all such vessels were cautioned to depart forthwith, but the twenty-four hours' rule was to be maintained in their favor "*then and for the last time.*" A reference to the circular of the French minister of marine, published in the *Moniteur* of June 13, will show that precisely the same reservation was made by the imperial government: "You will cause to be observed, for the last time in their behalf, the rule laid down in my circular of the 5th of February, 1864, and by the terms of which an interval of at least twenty-four hours must be observed between the departure of any vessel-of-war of one of the belligerents and the subsequent departure of any vessel-of-war of the other belligerent." The justice of this provision is self-evident, but it has no bearing on the case of the Shenandoah, which was not lying in any of our ports when Lord Russell's letter was received. It is true that in the next paragraph permission was granted to confederate captains to enter our ports and disarm their vessels, at their own risk, within one month after the receipt of that letter by the colonial authorities, but it was expressly added that the twenty-four hours' rule would there be inapplicable. The worst, therefore, that could happen is that Captain Waddell should have presented himself at Vancouver's island within a month after the governor has received Lord Russell's despatch, obtained leave to disarm the Shenandoah, and thereby saved himself from the doom of a pirate. It is highly improbable that he would have bethought himself of doing so while he was in hot pursuit of the whaling fleet. Even if he had, the Shenandoah's career would be at an end, for she must instantly part with her armament, whereas if he had not, the day of grace would be over, and no British port would be open to him. Whether by his conduct he has not forfeited all claim to avail himself of any such privilege is a further question which may be left to the legal advisers of the Crown, but we do not scruple to express the hope that, in the event of its arising, it may be answered in the affirmative.

[From the London Times of September 27, 1865.]

When the people of the northern States elected Mr. Lincoln for the second time they were moved by a happy impulse to choose as the second magistrate of the country Andrew Johnson, of Tennessee. The office of Vice-President is in itself of little importance, and though on two former occasions a Vice-President has succeeded to the government of the republic through the death of his superior, we may presume that the expectation of Mr. Johnson's accession to the higher office was hardly present to the mind of any one of those two millions of electors. Those who chose him wished to pay a compliment to the most energetic and zealous among the few southern men who had remained faithful to the federal cause, and it may have seemed to them that by electing a Tennesseean they declared emphatically the non-severance of a seceded State from the Union. But the great crime of April last has given supreme power to the politician who otherwise would have filled for the next four years the dignified but powerless office of president of the Senate. All parties were startled at this sudden change of men, and there were probably few but the most extreme who looked on it without alarm. Mr. Johnson must now receive the credit of having disarmed groundless fears and disappointed extravagant hopes. We cannot tell what thoughts have passed through his shrewd and energetic mind during these five months of unexpected rule, how much he may owe to the sobering responsibilities of his high office, how much to the counsels of two or three able men who have been schooled to government amid the difficulties and calamities of the war, how much to his own southern extraction, and to the fellow-feel-

ing which he avows for the seceders in everything but their secession. But, whatever the motives which influence his policy, the Americans have found in Mr. Johnson an able and successful magistrate. Mr. Lincoln is said to have meditated in the last days of his life a large amnesty and the restoration of the south to its due place in the Union. When he fell it was not unnaturally thought in America that a sterner rule was to be instituted, and the zealots of the republican party hastened to accept Mr. Johnson as their leader, with the hope, perhaps, that they might use him as their tool. These expectations have, however, vanished. Within a month after the President's accession to office his leaning towards a moderate policy began to appear, and though it was received with marked disappointment by a strong party of his own supporters, the effect of it on the conquered south was so favorable and tranquillizing that he has persevered in it, and it may be expected to characterize his whole term of office.

There is no one on this side the Atlantic who will fail to rejoice at the prospects which this policy opens to the newly cemented Union. The Americans, with the suppleness of a young people, are adapting themselves to their altered conditions. The southerner who has fought so fiercely for disunion no sooner finds it impossible than he rises from the ground where the superior might of his enemy has prostrated him, bandages up his wounds, takes off his tattered uniform, burns his confederate colors, and walks to the polling booth to put in his ballot as he would have done before secession. The only true philosophy is to look upon the past as something with which we have no more to do, and to treat the present moment as the first of a new existence. The southerners appear to be anxious to draw a pen through the history of the last five years, and to take up the Union where they left it. This is not entirely possible, since during this time a great revolution—the emancipation of the negroes—has broken the framework of society. But this the southerners accept with a readiness remarkable even in Americans, and ask almost with unanimity that the Union shall be restored on its old footing. They profess loyalty to it, and declare, doubtless with sincerity, that they have no treasonable afterthought in demanding a restitution of their civil rights.

Whether these rights should be restored; how far the southern States should be permitted self-government; what should be the interference of the federal government in the relations between white and black; whether some organic law on negro suffrage should be passed and enforced over the whole Union; when the military force which now maintains order should be withdrawn—are questions on which men widely differ at the north, and they will be for some time to come the chief subjects of party strife. But we think Mr. Johnson, in his liberal treatment of the south in all these matters, shows political wisdom and a true appreciation of the differences which have divided the two sections of the republic. The principles which he enounced in his speech to the southern delegation at Washington the other day are consistent both with his former acts and his present policy. They are simply that the Union must be maintained at all hazards, by any means, and against any men or party, but that, the Union once secured, the rights and political independence of the States are the best guarantees of national prosperity. Slavery is gone, and the rebellion is over. This being the case, the restoration of all the States to their former relations with each other and with the federal government is desirable. "While I dreaded and feared disintegration of the States," says the President, "I am equally opposed to consolidation or concentration of power here, under whatever guise or name they bear; and if the issue is forced upon us I hall endeavor to pursue the same efforts to dissuade from this doctrine running to extremes. But I say let the same rules be applied. Let the Constitution be our guide. Let the preservation of that and the Union of States be our principal aim." This theory undoubtedly tends to give the south an earlier and larger possession of political power than is thought safe even by moderate men of the republican party. But we think that the confidence of the President, and the bold liberality of his policy, are not likely to be in vain. The secession of the southern States was the natural termination of a condition of things which had its origin in the very foundation of the republic. The jealousy between north and south, which deepened at last into hatred on the part of the latter, had several causes, the chief being the existence of slavery in one region and the attacks upon it in another; and, furthermore, the anger with which the southern States found their proportionate importance yearly diminished by the stream of emigration which continually flowed into the more temperate regions of the north. The first of these causes exists no longer; and as to the second, the south must every year become more powerless to give effect to any chagrin it may cause. The chief grounds of quarrel are removed, and those that remain are henceforth innocuous. The worst evil the federal government can fear is that the southerners, in their political intercourse with the north, may become factious and perverse. This, indeed, is not unlikely; but it is an inconvenience which can well be borne, and which is sure to decrease with time. All the better instincts of the people will be against carrying on a war of words or of votes when the war of weapons has failed, and they will surely find their interest in submitting cheerfully to the destiny which has linked them forever to the northern States. After all, it is no grievous doom to form part of the American Union, even though State patriotism may be vexed by the insignificant part which Virginia and South Carolina must play in comparison with the time when they were leading republics in the Union. President Johnson probably sees that both necessity and interest bid the conquered States to be loyal, and for this reason he restores to each of them its institutions, and to its citizens their liberties and property.

[From the London Times of September 29, 1865.]

It cannot be expected that the great civil war in America should be without its sequel of political strife. For some years the steps of American statesmen will be on the still heated ashes thrown up by that great eruption. Disputes will be as loud, party platforms will be as uncompromising, personal animosities will be almost as bitter, as in the days before the war. But there will be this difference, that real danger will have passed away. Three generations of statesmen have always had before them the spectre of their country's disruption. There is hardly a leading man, from the time of Washington to the present day, who has not contemplated a successful secession as a possible and even probable event, and has not for the most part been of the opinion that when the time should come no resistance should be made to an inevitable calamity. One class of politicians has spoken of the dissolution of the Union in terms of solemn warning; another has used it as a threat to carry out its own purposes. These things now belong to the past. There are many and difficult questions to be settled by the American people. They have a devastated country to restore; they are burdened with a heavy debt; their financial system is far from sound; four millions of men of an inferior race are within their borders, and the social and political relations of these to the community must ever be a troublesome question. But the prospect of a disruption is no longer before them. One side can no longer threaten it; the other side no longer fears it. American parties may retain their combative spirit; the leading politicians may seek to excite their respective followers; Congress and the State legislatures may resound, as of yore, with the noise of intemperate disputations; but the terrible interest of the political campaigns which preceded 1860 will no longer remain. The questions of slavery, of State independence, and of northern preponderance, were questions involving the very existence of the Union. It was this that roused the passions of the disputants, and kept American politics always at fever-heat. If senators and representatives quarrel now, it will rather be from constitutional irritability or a remembrance of the old traditions than for any such legitimate cause.

For these reasons we are not inclined to believe that the political campaign which is now in prospect will absorb the attention of a people who have been so highly excited for five years past. Our Philadelphia correspondent gives an interesting account of the state of parties in the Union, and speaks of the opposition which President Johnson will encounter in carrying out his policy of conciliation. The President, after a period of vacillation or of caution, has at length fully declared his intentions. He is a southern man—by birth a North Carolinian, by settlement a Tennesseean—and he has thrown his protection over the conquered population of the late confederacy. He will preserve the States to their present inhabitants, and forbid any plans of extirpation and confiscation. The scheme of wholesale vengeance which received the sanction of Congress during the heat of war is now virtually abandoned. It is announced that no property will be taken until the owner is duly convicted of treason, and, as no prosecutions are instituted, this amounts to a repeal of the whole act. Pardons are granted to all who apply for them. Civil government being gradually restored, the generals commanding the corps have orders to abstain from interfering with meetings and elections, and the corps themselves are rapidly diminishing in numbers. The negro troops are being withdrawn, those belonging to the northern States being the first to move. The President, in answer to a deputation of southerners, declares against centralization and the interference with State rights. He will not bring the leading secessionists to trial, and is suspected of a design to pardon even Mr. Davis himself. He has, in fact, pardoned some of the most noted civil and military chiefs of the confederacy. He will not interfere with the churches, and orders that all ministers and congregations shall receive back their edifices whether or not they swear and pray in his favor. In short, Mr. Johnson is, in the American political language of the day, a strong conservative, in opposition to the radical tendencies of the republican party. That this party, or at least the extreme portion of it, is much incensed against him is evident to any one who reads the American papers. The old abolitionists think that nothing is done unless the negro receives equal rights with the white man; and there are other politicians who go even beyond these, and thirst for vengeance on the fallen confederates. President Johnson's accession was hailed with joy by those who thought that Lincoln was too mild and good-natured for the work he had to do. To them the President is now a backslider of the worst kind. It is not only that he will not punish; he actually intrusts rebels with power, and puts into their hands the means of repeating their rebellion. So a great demonstration is to be made in Congress. Both houses are strongly republican by means of the elections that took place during the war. But still there is a democratic party, and if the southern representatives are admitted the democrats may join them and again become powerful. Hence the republicans see with extreme disgust the rapid organization of civil government in the south, and will be glad of any excuse for keeping out the southern representatives. This question is connected, also, with that of negro suffrage. If the negroes vote all through the south, they may be expected, it is thought, to side against their late masters, and return a large number of republican members. If, on the other hand, they are denied this right, the whole strength of the south will be given to the democratic party, which then is not unlikely to govern the republic for years to come. There is, therefore, the prospect of an active session. But its oppo-

sition is not likely to influence the President. He has by his office powers equal to those of a despotic sovereign, and the will to use them. As events advance at present in America the reconstruction of the civil government in the south is likely to be almost complete before the meeting of Congress in December; the army will have been too much diminished to carry out any scheme of military occupation, and we have little doubt that the southerners will have shown by their conduct that they are ready to accept in good faith the restoration of federal authority. It cannot be concealed, also, that the President's policy is popular with the mass of the people. There is always a tendency to side with power. and when power shows itself lenient and generous it is sure to carry with it the sympathies of the multitude. The current of popular feeling is in favor of amity with the south, which has fought well, and now frankly accepts defeat.

We may venture to assume, therefore, that within the next few months the southern States will again send their representatives to Congress, and freely form whatever party combinations they may think proper. The question of negro suffrage is the only one which is likely to be seriously contested. On the one side is the dislike of the southern whites, and, indeed, of all Americans, to admitting black people to equality with themselves; on the other, there is the obvious difficulty of refusing the suffrage to men on no other ground than the color of their skin or their African ancestry. We need not speculate on the solution of these difficulties; but, whatever the decision, the people of the United States are too well satisfied with the result of the war and the presidential policy to encourage any class of men in an acrimonious party warfare.

Mr. Seward to Mr. Adams.

No. 1553.] DEPARTMENT OF STATE,
Washington, October 2, 1865.

SIR: I acknowledge the receipt of your despatch of the 14th ultimo, No. 1046, relative to your proceedings in regard to the correspondence with Earl Russell upon the subject of the Alabama and other similar claims. Those proceedings are approved. An instruction of the 27th ultimo, No. 1551, will more fully explain the views of the department in the premises.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1556.] DEPARTMENT OF STATE,
Washington, October 2, 1865.

SIR: Your despatch of the 15th of September, No. 1049, acquainting me with a visit you have received from Mr. Perry, the consul of the United States at Tunis, who was accompanied by the first envoy to this government ever sent by the Bey, has been received, and your action in the premises is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hunter to Mr. Adams.

No. 1559.] DEPARTMENT OF STATE,
Washington, October 3, 1865.

SIR: Your despatch of the 21st ultimo, No. 1051, enclosing a copy of Lord Russell's note, relative to the slave trade in Cuba, has been received.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1061. LEGATION OF THE UNITED STATES,
London, October 5, 1865.

SIR: I received a few days ago a note from Lord Russell, which was, I suppose, intended only to elicit a contradiction of a rumor that may have been set afloat along the coast of Ireland during the excitement lately prevailing there. Although not apparently important, I think it as well to apprise you of the fact by transmitting copies of the notes that have passed between us.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, September 27, 1865.
2. Mr. Adams to Lord Russell, October 2, 1865.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 27, 1865.

SIR: It has been reported to the lords commissioners of the admiralty that the United States frigate Niagara has been making visits to the Irish coast, and that, having anchored some short time since at Ballycotton, where she engaged a pilot at the rate of £10 a week, she was visited by boats from the shore which remained some time, and then returned, as is asserted, laden with arms.

I need scarcely assure you that the lords commissioners of the admiralty do not attach any credit to this report, but I should, nevertheless, be glad if you would inquire of the captain of the Niagara whether there is any sort of foundation for it.

I have the honor to be, with the highest consideration. sir, your most humble, obedient servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 2, 1865.

MY LORD: In reply to the note with which I have been honored, dated 27th of September, and relating to a rumor of certain supposed visits of the United States frigate Niagara to the Irish coast within a short time, I have only to observe that the vessel received orders to return to the United States early in the summer, and she actually is reported in the London Times of the 10th of August as having left France and passed down the channel on the 8th, two days before, bound to New York.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1063.] LEGATION OF THE UNITED STATES,
London, October 5, 1865.

SIR: The excitement about the Fenian organization appears to be subsiding in Ireland. The combination, as developed by the evidence, scarcely deserves to be regarded as formidable. The fact that the movement was stimulated from

the United States seems to be eagerly seized upon in order to raise an offset to the proceedings on this side during the late war. I transmit to you a copy of the London Times of the 4th instant, which contains a leader in this sense. The reasoning is flimsy enough, and a resort to it only indicates the sense of a necessity to extenuate the offences of the past.

The republication which has been made here of a list of subscribers to the rebel cotton loan has brought out more evidence of the same thing. There seems to be a general desire on the part of the persons concerned to get out of that company as soon as possible. Mr. Gladstone and Mr. Evelyn Ashley disavow all association with it very properly. I presume the insertion of their names must have been a mistake. Others excuse themselves in a more equivocal way, as not having *lost* anything, which might well be, if they were acute enough to sell out in time. All the parties connected with the press, with a single exception, have, for obvious reasons, come forward to clear themselves of possible imputations. On the whole, this sensibility is a sign of returning good sense and sound judgment in the mass of the community.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times, October 4, 1865.]

During the earlier part of the American war, and especially while the right of secession was under discussion, a parallel was often drawn between the relation of Ireland to the United Kingdom and that of the southern States to the American Union. The analogy was by no means perfect, for Ireland was originally annexed by conquest to the English Crown, and has since been attached to Great Britain in a manner and under conditions inconsistent with the first principles of federalism. Still, it was the most obvious and natural way of impressing on an English mind the alternatives which presented themselves to American politicians. What would England do if Ireland were to revolt with a unanimity equal to that of the southern States? Would she recognize the inherent right of a people to choose its own rulers and form of government, or would she take her stand on political necessity and put down the insurrection with a strong hand? Would she listen to arguments about the hopelessness of combining permanently under one constitution two populations so different in character as the Celtic and the Anglo-Saxon? Would she admit the conflicting interests of the two countries in matters of taxation, or any other matters, as a reason for separation, when the consequence would be the establishment of a nation too weak for independence, and therefore the more dangerous as a neighbor, opposite her western shores? Would she appreciate the expediency of thus establishing a balance of power within the British isles, with the prospect of having to keep up large armaments against a possible invasion from Ireland? Such were the home questions by which the advocates of the federal cause strove to make us realize the true nature of the contest and its vital importance to the United States. Now that it is at an end, and that the fortunes of war have converted secession retrospectively into rebellion, this class of questions has lost any interest which it may have had. The easy submission of the south after its military power had once been crushed confirms the opinion of those who maintained that a sentiment of loyalty to the Union lay deeper than hatred of the Yankees, and the virtual extinction of slavery removes for the future the chief abiding source of disruption. There is another point of view, however, from which the parallel between Ireland and the south happens just now to retain a certain significance. Ireland has never revolted, and is less likely now than ever to revolt, in the sense in which the southern States revolted, for the great majority of the wealthy and educated classes have never been on the revolutionary side, but disaffection has smouldered in Ireland from time immemorial. The close of the American war, strange to say, was the signal for a fresh outburst of this spirit, which, contemptible as it is in a military or political aspect, may do as much harm socially as if it were far more formidable. The position of ourselves and the United States is thus for the time reversed; we have to deal with a secessionist conspiracy, while they have to adopt the attitude of a neutral State. The disproportion between the scale of the two movements is, indeed, so ludicrous as to defy comparison, and the Fenians have not yet qualified themselves for the assumption of belligerent rights by declaring war against the lord lieutenant. Still, the tables are turned just so far as to enable us, by a great effort of thought, to imagine what we might feel if the Fenians had a Davis for their president and a Lee for their general, and just so far as to initiate the American public into the difficulties of friendly neutrality.

The origin of modern Fenianism, like the origin of the ancient Fenians, is enveloped in inscrutable mystery. No one knows whether the first idea of it was conceived in the brain of an Americanized Irishman or in that of an Hibernicized American. What is certain, however, is that the United States territory is to all intents and purposes the basis of Fenian operations. It is there, if anywhere, that the two hundred thousand volunteers are enrolled, for enough has been ascertained to make the existence of that force in Ireland itself utterly incredible. It is there that meetings are held, subscriptions raised, and oaths administered. There resides the redoubtable "head centre" of the whole organization, Mr. John O'Mahony; thence orders are issued to the brotherhood throughout Ireland and England: and thence "trained officers" are sent, or at least promised, to drill and command the national army. Nor are these hostile proceedings altogether illusory. Mr. Barry, in opening the case against the Dublin prisoners, positively stated that remittances from America to the amount of £5,000 had been intercepted within the previous fortnight, and officers professing to hold commissions in the United States service have actually been arrested. There is not the least doubt that a very considerable number of American citizens are at this moment openly engaged in levying war against her Majesty, and it is not for want of will that their efforts are so impotent. These men are not the agents of a foreign power; they are themselves principals in the enterprise, and their avowed design has been to conquer Ireland from America just as England was conquered from Normandy. All their operations have been carried on in broad daylight, and reported in the papers, nor have they always provoked unfavorable comments from the organs of American public opinion. The governments of England and the United States are on the best possible terms with each other, and yet recruits are enlisted by thousands on the soil of the United States for an expedition to Ireland, not only without disguise, but with a degree of bravado, half American and half Irish, that is almost comical.

Why do we dwell on these facts, especially since Fenianism in Ireland has received a blow which may not, we trust, have to be repeated? Certainly not with the object of exciting a bitter feeling towards the government of the United States, from which the Fenians have doubtless received no more encouragement than from our own. Nothing can be further from our intention than to suggest that Great Britain should prefer demands on her own behalf such as those against which she has so often protested of late. We are not aware that any representations on the subject of Fenianism have yet been made at Washington, and, except in an event too improbable to contemplate, we trust that none such may be made. We are perfectly able to take good care of the Fenians at home, and if their brethren in America would come together in a "fleet," instead of one by one in passenger steamers, it would save the police a good deal of trouble. On the other hand, nothing would be more likely to give an impulse to Fenianism in America than any ill-timed interference on the part of the Executive. Technically speaking, a government may be responsible for breaches of international law by its subjects which it is powerless to prevent, but this is not a doctrine which it would be friendly, or even just, to apply too strictly. Knowing the peculiarity of American institutions, remembering the embarrassments under which President Johnson is laboring to reconstruct the Union, and having confidence in his desire to remain in amity with this country, we act wisely as well as courteously in abstaining from any serious remonstrances against the apparent toleration of American Fenianism. All that we claim in return is a like consideration for the circumstances which made it impossible for us to check entirely the building of confederate cruisers in our own ports. It was not so much the want of a more stringent foreign enlistment act that baffled our efforts as the extreme difficulty of applying any law that would be endured by a free and high-spirited people to cases which so nearly resembled the legitimate transactions of commerce. It is easy to descant on the injury inflicted on American commerce by a single vessel like the Shenandoah, but no one has yet pointed out what form of enactment would have enabled the Crown to ascertain her destination and lay an embargo on her in the dockyard. The same can hardly be said of the Fenian enlistments in America. They are ostensibly illegal from first to last, and have not the advantage of any commercial disguise or pretext whatever. If they occasion us much less concern than the ravages of the Alabama and her consorts did the Americans, this is because our hold on Ireland is too firm to be shaken by any filibustering agitation. But then, for this very reason, they are without the least semblance of justification, for nothing could even colorably justify them but the deep and deliberate aversion of the Irish people from connexion with Great Britain. Fenianism, we would fain believe, is the last *reductio ad absurdum* of Irish rebellions, but the damage which it has already done, in retarding the progressive improvement of Ireland, must be measured in millions of capital repelled and the work of years undone. This is no light grievance, but we have made no complaint, while the American press is never tired of accusing us as a nation of complicity with the crimes of Captain Semmes and Captain Waddell. Even this injustice we are willing to bear with perfect good-humor, and only entreat our critics to ask themselves, in all honesty, what they would feel if they were to hear of volunteers mustering in myriads on the Canadian frontier, for instance, and before the eyes of the Canadian authorities, for the invasion of the United States.

[From the London Times of October 5, 1865.]

THE CONFEDERATE LOAN.

Some of our cotemporaries have published lists, derived from American sources, of subscribers to the confederate cotton loan. Many of the gentlemen whose names have been so freely used have written to the papers to declare the statement to be untrue. The concoctors of this "shave," choosing to place the *Morning Post* on their list, selected the name of the registered proprietor, Mr. Rideout, and fixed his share, or loss, or whatever it may mean, at £4,000. Mr. Rideout has written to us from Cowes, stating that he "never had, nor ever applied for, any of the confederate loan; so that, if the rest of this list be like that which refers to me, there is no dependence to be placed upon it."

[From the London Morning Star of October 5, 1865.]

THE ALLEGED SUBSCRIBERS TO THE CONFEDERATE LOAN.

We have received the following telegram from the chancellor of the exchequer, who is staying at present at the residence of his brother, near Liverpool:

"From the chancellor of the exchequer, Court Hey, Liverpool.

"*To the Editor of the Star:*

"I see my name placed, by some strange error, on the confederate loan list. Please to remove it."

The telegram will doubtless be followed by a written communication. But it is in itself a sufficient refutation of the charge implied in the list of alleged subscribers to the confederate cotton loan published in Washington.

The following has been received from the Hon. Evelyn Ashley:

"*To the Editor of the Star:*

"SIR: Thoroughly sensible of how small is my personal importance, I yet venture to ask you to be good enough to allow me in your paper most emphatically to deny that I ever had any share or interest in the confederate cotton loan.

"I do so because I agree with that part of your article of the 3d instant which points out how bad an effect such a speculation on the part of one officially connected with the prime minister will have in America; and further, on personal grounds, because I should be sorry to leave the many acquaintances I made in the United States, whose good opinion I value, under the impression that I had so far forgotten what is due to those under whom I have the high honor, however humbly, to serve.

"Your obedient servant,

"EVELYN ASHLEY.

"10 DOWNING STREET, *October* 4."

We have likewise received a letter from Mr. John T. Delane, editor of the *Times*, to which we readily give publication, as follows:

"*To the Editor of the Star:*

"SIR: My absence from town has caused one day's delay in my reply to the statement made in your impression of yesterday, that I had lost £10,000 by a speculation in the confederate loan.

"To all those who know me this statement must have appeared so extravagantly absurd that I might have allowed it to pass unnoticed had you not founded an argument upon this imaginary investment of mine, and endeavored to prove that my alleged interest in confederate stock had exercised a corrupt influence upon the conduct of the *Times* during the civil war in America.

"What foundation there is for your argument the public may judge from the facts that I never applied for, never had allotted to me, never purchased, either of myself or by others, never possessed, any confederate stock whatever, and never lost or gained either £10,000, or any greater or less sum, by any speculation in federal or confederate loans.

"I request that you will give the same prominence to this letter in your next publication as you have given to the false statement you have adopted, and to the injurious comments you have founded upon it.

"I am, sir, your obedient servant,

"JOHN T. DELANE.

"16 SERGEANT'S INN, *October* 4."

Mr. Beresford Hope has addressed the following letter to the *Times*:

"SIR: I observe that the *New York Herald* has, in a passage which has been extensively reprinted in England, assigned to me a large share of the confederate loan. This statement is a fabrication which has not even a basis of truth to stand upon. I never held a farthing of the loan, nor ever embarked a farthing on blockade running. The sympathy which I all along felt for the southern States in their struggle for independence was wholly of a public and political nature.

"Yours faithfully,

"A. J. B. BERESFORD HOPE.

"NORWICH, *October* 2."

Mr. Hunter to Mr. Adams.

No. 1560.] DEPARTMENT OF STATE,
Washington, October 6, 1865.

SIR: Your despatch of the 15th ultimo, No. 1047, enclosing two copies of a series of resolutions which were passed at the annual assembly of the United Methodist free churches, has been received and a letter has been forwarded to the association thanking them for their sympathy, and expressing the sentiments of the President.

I am, sir, your obedient servant,

W. HUNTER,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 1064.] LEGATION OF THE UNITED STATES,
London, October 12, 1865.

SIR: * * * * * * * *

There is nothing of material importance to notice in the events of the week. I transmit a copy of the Morning Post of yesterday, containing a leader on the subject of the claims for damages by the Alabama, &c. The author does not seem to have been aware of the late correspondence which must at the time of writing have been in print in the columns of The Gazette. I send forward a copy herewith. It appears in full this morning in the Times and News. I perceive that my letter of the 18th of September appears marked as confidential, which is a mistake I cannot account for.

There is no leader on the subject in the Times. It will doubtless appear tomorrow, in which case I shall forward it with the others.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Morning Post of October 11, 1865.]

The threat so long held over our heads, that at the termination of the civil war in America the government at Washington would make us responsible for the depredations of the Alabama and her sister cruisers, is, it would seem, on the point of being realized. Mr. Seward, we are now informed, has called upon all persons who have suffered losses by the confederates, either on sea or land, to send in their claims to the government, in order that, in those

cases in which the British government is considered to be responsible, they may be presented to it for settlement. What these claims may be, to what they may extend, and on what grounds they may be made to rest, it is, of course, impossible for us to conjecture; but foremost among them will, no doubt, be found such claims for compensation as may be advanced by those American merchants and shipowners whose cargoes and vessels were taken and destroyed by Captain Semmes and the other commanders of the few privateers which were enabled to hoist the flag of the southern confederacy. Of the manner in which such a demand, if advanced by the American government, will be received by the English cabinet, it is needless to speak. The subject has already been brought indirectly under the notice of her Majesty's advisers by the American minister resident in London; and, so far as they were called upon to do it, they repudiated all responsibility for the depredations of the confederate cruisers. The diplomatic correspondence which passed on the subject was published before the dissolution of Parliament; and that portion which issued from the English foreign office gave it plainly to be understood that her Majesty's government had done everything in its power to prevent an infraction of the laws of neutrality, and that, having done so, it could not hold itself responsible for injuries inflicted on American commerce which the federal government in its belligerent character was unable to prevent. There the matter was for the time permitted to stand; but now, if we are not misinformed, the advisers of the American President are about to make a specific demand on England to compensate their fellow-citizens for the losses which they have sustained at the hands of cruisers which, it is urged, would never, but for English connivance, have made their appearance on the high seas.

It is unnecessary now to recur with much particularity to the circumstances under which the Alabama, Florida, and some other confederate privateers left these shores, and, under the command of able and daring men, harassed and seriously damaged the federal mercantile marine. But the result of the protracted legal proceedings to which the sequestration of the Alexandra gave rise serves to furnish a tolerably correct estimate of the value of the supposed means which the English government had at its disposal of preventing those consequences of which the American nation so bitterly complained. The charge advanced against us was that we knowingly permitted vessels of war to be equipped in our ports for the purpose of preying on American commerce; that such vessels sailed from our shores manned chiefly by English crews, and that, without having even wet their keels in confederate waters, these cruisers hoisted the confederate colors, assumed to be confederate vessels of war, and forthwith commenced an onslaught on the merchant shipping of the federal States. They were consequently, it is contended, English vessels, and as such the English government is bound to make good the losses which they have inflicted on the citizens of the American government. The obvious answer to this is, as we have already observed, supplied in the futility of the proceedings instituted by the British government to obtain the confiscation of the Alexandra The Alexandra and the Alabama, before the departure of the latter from the Mersey, stood in precisely the same position. In both vessels preparations had been made for immediate conversion into ships of war, but in both one sought in vain for any article of military equipment. There were ports through which guns might be made to peep, the sides of both were constructed of exceptional strength, in both there existed a fire-proof compartment, which was easily convertible into a magazine, and both, judging from their appearance, were better suited for hostile than for peaceful purposes. But it was laid down by the chief baron, when summing up to the jury in the case of the Alexandra, that the law had not been violated in respect to that vessel at the time of the seizure, and it was also intimated that, even if the government had seized the Alabama on the morning of her departure, there would have been the same difficulty in establishing a violation of the foreign enlistment act by those who aided in the building of that vessel. The Alabama, as our readers may recollect, left these shores without arms or warlike equipment of any kind, and took on board her armament in Portuguese waters. No offence, it was therefore stated by the chief baron, had been committed in this country, and nothing had taken place to justify any intervention on the part of the government. On appeal to the full court its members were equally divided on the accuracy or otherwise of the chief baron's ruling; but owing to some legal difficulties, which it is unnecessary now to specify, the appeal could not be carried to a higher tribunal.

As the law stands, therefore, it is clear that, unless by the exercise of powers which would have been illegal, the British government could not have prevented the departure of the Alabama from the port of Liverpool. But, dismissing the purely legal aspect of the case, the entire conduct of the government proved that her Majesty's advisers were most anxious to prevent the ports being converted into building yards for privateers destined to make war upon a friendly power. If anything, they endeavored to strain the foreign enlistment act, in order to prevent the slightest imputation being cast upon their neutrality. But having done all this, it would be perfectly preposterous if the American government should urge that because vessels built in English ports had been employed against them, the English government should therefore be called on to indemnify America for the losses thereby sustained. On the assumption that England would be responsible for those losses, it would clearly have been the duty of the British government to have employed its navy for the purpose of capturing or destroying privateers which were every day adding items to a bill which England

would be bound to pay; but as the government did not adopt this course, it is evident that they repudiated their liability from the commencement. Notwithstanding the statement which has appeared in the New York papers, we conceive that Mr. Seward will not venture to address to us a demand with which he must know compliance would be refused. It is scarcely likely that her Majesty's advisers would stultify themselves by acknowledging now a liability which they have hitherto repudiated; and it is certain that the nation would unanimously protest against a concession which would derogate from the national dignity, whilst it would impose on the taxpayers of this country an unmerited penalty.

[From the Supplement to the London Gazette of Tuesday, October 10.]

FOREIGN OFFICE, *October* 10, 1865.

The following correspondence has passed between Mr. Adams, the United States minister at this court, and Earl Russell, her Majesty's principal secretary of state for foreign affairs:

No. 1.

Mr. Adams to Earl Russell.—(Received April 8.)

LEGATION OF THE UNITED STATES,
London, April 7, 1865.

MY LORD: I have the honor to transmit to you a copy of a letter addressed to the Secretary of State at Washington by the consul of the United States at Rio Janeiro, Mr. Monroe, making a report of the depredations committed upon the commerce of the United States by the vessel known in the port of London as the Sea King, but since transformed into the Shenandoah by a process already fully explained in a note which I had the honor to address to your lordship on the 18th November last.

I regret to be obliged to add that this same vessel has been, since the date of Mr. Monroe's letter, heard of at Melbourne, from which place further details of similar outrages have been received. The particulars have been communicated to my government, but there has not yet been sufficient time for me to obtain its instructions in regard to them. I cannot doubt, however, that they will be the same in substance as those embraced in the last despatch.

Were there any reasons to believe that the operations carried on in the ports of her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented, I should not be under the painful necessity of announcing to your lordship the fact that my government cannot avoid entailing upon the government of Great Britain the responsibility for this damage. It is impossible to be insensible to the injury that may yet be impending from the part which the British steamer City of Richmond has had in being suffered to transport with impunity, from the port of London, men and supplies, to place them on board of the French-built steam ram Olinthe, *alias* Stoerkodder, *alias* Stonewall, which has through a continuously fraudulent process succeeded in deluding several governments of Europe, and in escaping from this hemisphere on its errand of mischief in the other.

I am by no means insensible to the efforts which have already been made, and are yet making, by her Majesty's government to put a stop to such outrages in this kingdom and its dependencies. Neither can I permit myself to doubt the favorable disposition of her ministers to maintain amicable relations with the government which I represent.

Whilst perfectly ready to bear testimony to the promptness with which all the numerous remonstrances and representations which it has been my painful duty heretofore to submit have been met and attended to by your lordship, it is at the same time impossible for me to dispute the fact that the hostile policy which it is the object of all this labor to prevent has not only not been checked, but is even now going into execution with more and more complete success.

That policy, I trust I need not point out to your lordship, is substantially the destruction of the whole mercantile navigation belonging to the people of the United States. The nature of the process by which this is coming about may readily be appreciated by a brief examination of the returns of the registered tonnage of her Majesty's kingdom for the last six years. I have the honor to append to this note a tabular statement of the number of merchant ships built, and of the tonnage owned in the United States, which have been transferred to British owners in the successive years beginning with 1858 and ending in 1864, so far as the materials at hand from the official reports of the two governments can supply the information.

I trust that it will be needless for me to do more than to point out to your lordship the inference deducible from this statement, to wit: that the United States commerce is rapidly vanishing from the face of the ocean, and that that of Great Britain is multiplying in nearly the same ratio. Furthermore, it is my painful duty to suggest that this process is

going on by reason of the action of British subjects, in co-operation with emissaries of the insurgents, who have supplied from the ports of her Majesty's kingdom all the materials, such as vessels, armament, supplies, and men, indispensable to the effective prosecution of this result on the ocean. So far as I am aware, not a single vessel has been engaged in these depredations excepting such as have been so furnished; unless, indeed, I might except one or two passenger steamers belonging to persons in New York, forcibly taken possession of whilst at Charleston in the beginning of the war, feebly armed and very quickly rendered useless for any aggressive purpose. It may then, on the face of this evidence, be fairly assumed as true that Great Britain, as a national power, is in point of fact fast acquiring the entire maritime commerce of the United States by reason of the acts of a portion of her Majesty's subjects engaged in carrying on war against them on the ocean during a time of peace between the two countries. I deeply regret to be constrained to add that every well-meant effort of her Majesty's government to put a stop to this extraordinary state of things down to this time has proved almost entirely fruitless.

I would most respectfully invite your lordship to produce in the history of the world a parallel case to this of endurance of one nation of injury done to it by another without bringing on the gravest of complications. That in this case no such event has followed has been owing in the main to a full conviction that her Majesty's government has never been animated by any aggressive disposition towards the United States; but, on the contrary, that it has steadily endeavored to discountenance and, in a measure, to check the injurious and malevolent operations of many of her subjects. But whilst anxious to do full justice to the amicable intentions of her Majesty's ministers, and on that account to forbear from recourse to any but the most friendly and earnest appeals to reason and to their sense of justice for the rectification of these wrongs, it is impossible to resist the conviction that heretofore their measures, however well intended, have never proved effective to remedy the evil complained of. Prompt to acquit them of any design, I am reluctantly compelled to acknowledge the belief that practically this evil had its origin in the first step taken, which never can be regarded by my government in any other light than as precipitate, of acknowledging persons as a belligerent power on the ocean before they had a single vessel of their own to show floating upon it. The result of that proceeding has been that the power in question, so far as it can be entitled to the name of a belligerent on the ocean at all, was actually created in consequence of the recognition, and not before; and all that it has subsequently attained of such a position has been through the labor of the subjects of the very country which gave it the shelter of that title in advance. Neither is the whole case stated even now. The results equally show that the ability to continue these operations with success during the whole term of four years that the war has continued, has been exclusively owing to the opportunity to make use of this granted right of a belligerent in the courts and the ports and harbors of the very power that furnished the elements of its existence in the outset. In other words, the kingdom of Great Britain cannot but be regarded by the government I have the honor to represent as not only having given birth to this naval belligerent, but also as having nursed and maintained it to the present hour.

In view of all these circumstances I am instructed, whilst insisting on the protest heretofore solemnly entered against that proceeding, further respectfully to represent to your lordship that, in the opinion of my government, the grounds on which her Majesty's government have rested their defence against the responsibility incurred in the manner hereinbefore stated, for the evils that have followed, however strong they might have heretofore been considered, have now failed by a practical reduction of all the ports heretofore temporarily held by the insurgents. Hence the President looks with confidence to her Majesty's government for an early and an effectual removal of all existing causes of complaint on this score whereby the foreign commerce of the United States may be again placed in a situation to enjoy the rights to which it is entitled on the ocean in peace and safety, free from annoyance from the injurious acts of any of her Majesty's subjects, perpetrated under the semblance of belligerent rights.

I am further instructed to invite the attention of your lordship to another subject in this immediate connexion. From the beginning of this war the armed vessels of her Majesty have continued to enjoy full and free pratique in the waters of the United States. They have been welcomed in just the same friendly manner as has been heretofore customary when there was no exclusion of the same class of ships of the United States from the waters of Great Britain. It is the opinion of the President that the time has come when it may be asked, not only with strict right but also with entire comity, when the reciprocity in these hospitalities is to be restored. It is the expectation that the naval force of the United States in European waters will be augmented on or about the beginning of next month, when this question may become one of some interest. I am therefore directed to solicit information from your lordship as to the reception which those vessels may expect in the ports of this kingdom.

I pray, &c.,

CHARLES FRANCIS ADAMS.

[Enclosure 1 in No. 1.]

Mr. Monroe to Mr. Seward.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, November 29, 1864.

SIR: I am pained to be compelled to report to the department that a new piratical steamer called the Shenandoah, commanded by James W. Waddell, is engaged in destroying our merchant vessels near the equator, on the highway of communication between the United States and the ports of South America. The facts presented below were obtained in part from protests recorded at this office by the masters of the Alina and the D. Godfroy, and in part from statements published in the Brazilian newspapers and believed to be reliable.

The bark Alina, Staples master, of 573 tons burden, sailed from Newport, England, on the 6th October, with a cargo of railroad iron, bound for Buenos Ayres. Having reached latitude 16° 40′ north and longitude 26° 45′ west, she was captured and sunk on the 29th October by the Shenandoah. The schooner Charter Oak, from Boston, bound for San Francisco, was captured and destroyed by the same pirate on the 5th of November in latitude 7° north, longitude 27° 3′ west.

On the 7th November the bark D. Godfroy, Hallett master, from Boston, of 300 tons burden, bound for Valparaiso with general cargo, was captured and burnt by the Shenandoah in latitude 6° 25′ north and longitude 27° 15′ west. On the 10th of November, in latitude 4° 30′ north and longitude 26° 40′ west, the brig Susan of New York, bound from Cardiff to Rio Grande, was also destroyed by the same steamer.

On the 12th November the Shenandoah captured the ship Kate Prince, of 995 tons burden, Libby master. The Kate Prince belongs in Portsmouth, New Hampshire, and was on her passage from Cardiff to Bahia with a cargo of coal. She was captured in latitude 2° 30′ north and longitude 28° 30′ west, and having been compelled to give bonds in the sum of 40,000 dollars, was allowed to continue her voyage. These five vessels were all American. The officers and crews were at first transferred to the Shenandoah; afterwards, as opportunity offered, a part were sent to Bahia on the Kate Prince, a part to this port on the Danish brig Anna Jans, from New York, and the rest, so far as heard from, had been retained on the Shenandoah; of these last, some by threats and promises had been induced to engage in the piratical service.

In another instance a vessel not under our flag narrowly escaped destruction. The Argentine bark Adelaide, Williams master, bound from Baltimore to this city, was boarded by officers of the Shenandoah on the 12th November in latitude 1° 46′ and longitude 29° west. The Adelaide was consigned to Phipps Brothers & Co., of this city. It was at first decided to burn her, and straw and tar had been brought for this object; this purpose, however, was finally abandoned, and the pirates having opened letters, destroyed furniture, and committed other outrages, retired on board the Shenandoah, carrying a part of the provisions of the bark with them. Captain Williams states that the commander of the Shenandoah declared he would hereafter burn all cargoes belonging to American owners, by whatever flag they might be covered.

The following statement in regard to the Shenandoah is made by shipmasters who have been prisoners on board of her:

"The Shenandoah is a steamship of 1,100 tons burden and 250 horse-power. She carries a battery of four 68-pounders and two 12-pounders, all smooth-bore, and two 32-pounders, rifled.

"She was formerly called the Sea King, and belonged to the Steam Company trading between London and Bombay and Calcutta. She was built by Stevens & Sons, of Glasgow, in 1863, and makes eleven miles an hour. She has forty-three men, nearly all English, besides the officers. She cleared from London for Bombay in September of this year."

On the 27th instant the Anna Jans brought into this port the following officers and seamen of the Alina and D. Godfroy, who, being in a very destitute condition, applied to this consulate for assistance:

From the Alina: Everett Staples, master; J. F. Peterson, first officer; M. H. Staples, second officer; G. A. Stinson, seaman.

From the D. Godfroy: Samuel W. Hallett, master; R. L. Taylor, first officer; Charles F. Brown, second officer; Joseph James, seaman.

I offered assistance to the officers simply as seamen, in accordance with section 211 of my instructions.

As this despatch will be retained until the sailing of the English packet on the 9th of December, it will be supplemented by any further information which I may obtain in regard to the movements of the Shenandoah.

I have, &c., JAMES MONROE.

P. S.—*December* 8.—I have no further information in regard to the Shenandoah.

J. M.

[Enclosure 2 in No. 1.]

Statement of American vessels sold to British subjects from 1858 *to* 1864, *inclusive.*

Year.	United States official report.		British official report.	
	Number of vessels.	Tonnage.	Number of vessels.	Tonnage.
Before the war.				
1858	33	12,684	.....	.....
1859	49	21,308	.....	.....
1860	41	13,683	Not given..	11,716
	123	47,675	.....	11,716
During the war.				
1861	126	71,673	Not given..	66,757
1862	135	64,578	....do.....	59,103
1863	348	252,379	608	328,665
1864	106	92,052	.....	.....
	715	480,682	608	454,525

No. 2.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 4, 1865.

SIR: I have had the honor to receive your note of the 7th April, forwarding a copy of a letter addressed by the consul of the United States at Rio de Janeiro to his government, upon the proceedings of a vessel called the Sea King, or Shenandoah, which vessel you state has since been heard of at Melbourne, whence details have been received of outrages committed by her on the commerce of the United States. You then proceed to say, "Were there any reasons to believe that the operations carried on in the ports of her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented," you would not to have had to announce to me "the fact that your government cannot avoid entailing upon the government of Great Britain the responsibility for this damage."

A British steamer, the City of Richmond, is next alluded to as having been allowed to take supplies from the port of London, and to place them on board a French-built steam-ram, known as the Stonewall, and you found, upon the circumstances to which you have thus alluded, a charge against Great Britain, of not only not checking improper depredations on United States commerce, but of aiming at the destruction of the whole mercantile navigation belonging to the people of the United States; and while giving credit to her Majesty's government for endeavoring to check illicit proceedings of British subjects, you allege that the measures adopted in this respect by her Majesty's government have never proved effective, and that the evil of which you complain has its origin in the fact that her Majesty's government recognized the persons in arms against the United States as belligerents, and thereby improperly gave them a status which has led to a long continuance of hostilities; but as the ports held by them have fallen into the power of the United States, the President looked with confidence to a removal by her Majesty's government of this ground of complaint.

You conclude by expressing a hope that the ships-of-war of the United States will be welcomed in British waters in the same friendly manner as has been heretofore customary.

Allow me to observe, in the first place, that I can never admit that the duties of Great Britain towards the United States are to be measured by the losses which the trade and commerce of the United States may have sustained. The question is not what losses the United States have sustained by the war, but whether in difficult and extraordinary circumstances the government of her Majesty have performed faithfully and honestly the duties which international law and their own municipal law imposed upon them.

Let me remind you that when the civil war in America broke out so suddenly, so violently, and so extensively, that event, in the preparation of which Great Britain had no share, caused nothing but detriment and injury to her Majesty's subjects. Great Britain had previously carried on a large commerce with the southern States of the Union, and had procured there the staple which furnished materials for the industry of millions of her people.

Had there been no war the existing treaties with the United States would have secured the continuance of a commerce mutually advantageous and desirable. But what was the first act of the President of the United States? He proclaimed on the 19th of April, 1861, the blockade of the ports of seven States of the Union. But he could lawfully interrupt the trade of neutrals with the southern States upon one ground only, namely, that the southern States were carrying on war against the government of the United States; in other words, that they were belligerents.

Her Majesty's government, on hearing of these events, had only two courses to pursue, namely, that of acknowledging the blockade, and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the blockade, and insisting upon the rights of her Majesty's subjects to trade with the ports of the south.

Her Majesty's government pursued the former course, as at once the most just and the most friendly to the United States.

It is obvious, indeed, that the course of treating the vessels of the southern States as piratical vessels, and their crews as pirates, would have been to renounce the character of neutrals, and to take part in the war. Nay, it would have been doing more than the United States themselves, who have never treated the prisoners they have made, either by land or sea, as rebels and pirates, but as prisoners of war, to be detained until regularly exchanged.

So much as to the step which you say your government can never regard "as otherwise than precipitate" of acknowledging the southern States as belligerents.

It was, on the contrary, your own government which, in assuming the belligerent right of blockade, recognized the southern States as belligerents. Had they not been belligerents, the armed ships of the United States would have had no right to stop a single British ship upon the high seas.

The next complaint (often repeated, I must admit) is, that vessels built in British ports, and afterwards equipped with an armament sent from the British coast, have injured, and, according to your account, almost destroyed the mercantile marine of the United States.

Now, the only question that can be put on this subject is, whether Great Britain has performed faithfully the duties incumbent upon her. I must here ask you to recollect that our foreign enlistment act, as well as your foreign enlistment act, requires proof that the vessel has been or is about to be equipped or armed within our dominions for the purpose of assisting a State or a body of men making war on a State in amity with her Majesty. In the case of the Alabama, which is always referred to as affording the strongest ground of complaint against her Majesty's government, the papers affording evidence of a design to equip the ship for the confederate service were furnished to me by you on the 22d, and more completely on the 24th of July, 1862. They were reported upon by the law officers on the 29th of that month. But on that very morning the Alabama was taken to sea on the false pretence of a trial trip.

I contend that in that case, as in all others, her Majesty's government faithfully performed their obligations as neutrals. It must be recollected that the foreign enlistment act, though passed in the year 1819, had never been actually put in force, and that it is still doubtful whether the evidence furnished by you on the 22d and 24th of July, though it was deemed a sufficient ground for detaining the Alabama, would have been found sufficient to procure a conviction from a jury, or even a charge in favor of condemnation of the vessel from a judge. Again, I repeat, the whole question resolves itself into this, whether the British government faithfully and conscientiously performed their duties as neutrals, or whether they, from any motives whatever, were guilty of a grave neglect of those duties.

Upon this point it might be sufficient for me to appeal to the unprejudiced judgment formed and expressed at the time by Mr. Seward, after every material fact had been communicated to him by your despatches of the 25th and 31st of July and the 1st of August, 1862.* Writing to yourself on the 13th of August, 1863, he expressed the President's approval of the action which you had taken with respect to the Oreto and the Alabama, (then called No. 290,) and added, "You will, on proper occasion, make known to Earl Russell the satisfaction which the President has derived from the just and friendly proceedings and language of the British government in regard to these subjects."

In maintaining this view of our duties, I have the satisfaction of thinking that her Majesty's government are supported by some of the highest authorities of the United States. In 1815 a correspondence began between the ministers representing Spain and Portugal and the United States government respecting the practice of fitting out privateers in the ports of the United States, and putting them under a foreign flag, and cruising against Spanish commerce. In January, 1817, Señor Onis, Spanish minister at Washington, says:

"It is notorious that although the speculative system of fitting out privateers and putting them under a foreign flag, one disavowed by all nations, for the purpose of destroying the

* Papers presented to Congress December, 1862, (Nos. 196, 199, 201, and 323.)

Spanish commerce, has been more or less pursued in all the ports of the Union, it is more especially to those of New Orleans and Baltimore where the greatest violations of the respect due to a friendly nation, and, if I may say so, of that due to themselves, have been committed, whole squadrons of pirates having been sent out from thence in violation of the solemn treaty existing between the two nations, and bringing back to them the fruits of their piracies, without being yet checked in these courses, either by the reclamations I have made, those of his Majesty's consuls, or the decisive and judicious orders issued by the President for that purpose."

It does not appear that any compensation was ever made for any of these seizures.

But the remonstrances of Portugal are still more applicable.

On the 8th of March, 1818, Señor T. Correa de Serra brought to the knowledge of the United States government the case of three Portuguese ships which had been captured by privateers fitted out in the United States, manned by American crews, and commanded by American captains, though under insurgent colors, and he demanded satisfaction and indemnification for the injury which had been done to Portuguese subjects, as well as to the insult which had been offered to the Portuguese flag. To this letter the American Secretary of State, after reciting the complaint of the Portuguese minister, replied as follows:

"The government of the United States having used all the means in its power to prevent the fitting out and arming of vessels in their ports to cruise against any nation with whom they are at peace, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and pacific obligations of this Union, cannot consider itself bound to indemnify individual foreigners for losses by capture over which the United States have neither control nor jurisdiction. For such events no nation can in principle, nor does in practice, hold itself responsible."

The Secretary of State who signed this despatch bore a name most honorably known in the annals of the United States, the name of Adams.

The remaining events to be noticed in the history of the answer given by the United States to the complaints of Portugal during the wars of South America, and by Great Britain to the United States in the present war, may be recorded without any fear of comparison on the part of the government of her Majesty.

On the 20th April, 1818, the amended act known as the "American foreign enlistment act" was passed.

On the 24th of November of that year the Portuguese minister being asked by Mr. Adams to "furnish a list of the names of the persons chargeable with a violation of the laws of the United States in fitting out and arming a vessel within the United States for the purpose of cruising against the subjects of his sovereign, and of the witnesses by whose testimony the charge could be substantiated," replied to the following effect:

He had found with sorrow multiplied proofs that many of the armed ships which had committed depredations on the property of Portuguese subjects were owned by citizens of the United States, had been fitted in ports of the Union, and had entered in several ports of the Union, captured ships and cargoes by unlawful means. Many of these citizens of the United States had the misfortune of believing that they did a meritorious action in supporting foreign insurrections, and offered great difficulties in the way of every prosecution instituted by a foreign minister. Prosecutions were ordered by the government of the United States, but did not appear to have had much effect in checking the depredations complained of.

In March, 1819, the Portuguese minister alleges that, in contrast to the Spanish insurgents who had ports and a long line of coast at their disposal, Artigas, the chief whose flag was borne by United States privateers, was wandering with his followers in the inland mountains of Corientes. The "Artigan flag," he continues, "which has not a foot length of sea-shore in South America where it can show itself, is freely and frequently waving in the port of Baltimore. Artigan cockades were frequently met with in that city in the hats of American citizens unworthy of that name."

In another note dated the 23d of November, 1819, the Portuguese minister says:

"I do justice to and am grateful for the proceedings of the Executive in order to put a stop to these depredations, but the evil is rather increasing. I can present to you, if required, a list of fifty Portuguese ships, almost all richly laden, some of them East Indiamen, which have been taken by these people during the period of full peace. This is not the whole loss we have sustained, this list comprehending only those captures of which I have received official complaints. The victims have been many more, besides violations of territory by landing and plundering ashore with shocking circumstances.

"One city alone on this coast," he says, "has armed twenty-six ships which prey on our vitals, and a week ago three armed ships of this nature were in that port waiting for a favorable occasion of sailing for a cruise."

In July, 1820, the Portuguese minister proposed that the United States should appoint commissioners to confer and agree with commissioners of the Queen of Portugal in what reason and justice might demand.

But Mr. Adams again says that for wrongs committed in the United States territory Portuguese subjects have a remedy in the courts of justice, but "for any acts of the citizens of the United States committed out of their jurisdiction and beyond their control the government of the United States is not responsible."

To this most just principle, which was again referred to by Mr. Secretary Clayton, and maintained against the government of Portugal to this hour, the United States must be held still to adhere. No matter how many rich Portuguese ships were taken, no matter, even, what flag was borne by the vessels which took them, for these acts of citizens of the United States acting as the captains, officers, and crews of those cruisers the United States government declared itself not responsible. Nor was that government induced to depart from that ground by the urgent representations of the Portuguese minister in his letter to Mr. Webster of the 7th of November, 1850, that "by due diligence on the part of the government and the officers of the United States the evil might have been prevented," and that "the fitting out of these vessels was not checked by all the means in the power of the government, but that there was a neglect of the necessary means of suppressing these expeditions. With regard to Spain the case was somewhat different, as the United States had many outstanding claims against the government of Spain; and, on the other hand, the claims of Spain were rested upon the interpretation placed by her on the treaty with the United States. The claims of the United States were used as a set-off against the claims of Spain, on account of the depredations committed by the United States cruisers commanded by United States captains, and in respect of other matters; and both orders of claims were renounced and abandoned by a treaty between Spain and the United States concluded on the 22d of February, 1819.

Before I refer to the conduct of Great Britain during the present civil war, I must for a moment allude to an address of President Monroe in regard to the South American insurrection: "The revolutionary movement in the Spanish provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement." Such is the statement of President Monroe in his special message of the 8th of March, 1822. It must be acknowledged that in this country the gallantry of the people of the southern States, in their endeavors to give those States an independent position in the world, excited a large amount of sympathy. It must be acknowledged, also, that the desire of large profits from the sale of cargoes induced many of the Queen's subjects to engage in blockade running. But, on the other hand, it must be said that no British subject appears to have commanded a confederate cruiser, while United States citizens seem frequently to have acted as captains of the privateers which under the flag of Buenos Ayres or some other South American state committed depredations on Spanish and Portuguese commerce. Nor was the vigilance of her Majesty's government at fault when, as in the case of the steam-rams built at Birkenhead for a confederate agent, they were fully convinced that vessels-of-war were being constructed for purposes hostile to the United States. Indeed, so decided and so effective was the action of the government in detaining the vessels called the El Tousson and El Monassir that it appears by the published parliamentary reports that a member of Parliament charged the government with having done, and with having done on their own confession, what was illegal and unconstitutional, without law, without justification, and without excuse. Unfounded as that charge was, yet coming, as it appears, from high authority, it is obvious that nothing but the intimate conviction that those vessels were intended for confederate vessels-of-war, that unless detained they would attempt to break the blockade of the United States squadrons, and that such an act might have produced the gravest complications, could have sustained the government under the weight of charges thus urged.

Let us compare this case, in which her Majesty's government detained and seized the ships, with that of the Shenandoah, to which you refer, in which they did not interfere.

The Shenandoah was formerly the Sea King, a merchant or passage steamship, belonging to a mercantile company. She was sold to a merchant, and soon afterwards cleared for China as a merchant ship. Not a tittle of evidence was ever brought before her Majesty's government by you or any one else to show that she was intended for the service of the confederates. Had it been alleged even that her decks were stronger than usual, apparently for the purpose of carrying guns, it might have been plausibly answered that the China seas abounded with pirates, and that guns were necessary in order to drive them off.

But it is said that guns and men were sent to meet a confederate vessel at sea. So far as guns are concerned, this is not an offence against our laws, nor am I aware of any authority of international law according to which the British government could be bound to prevent it. So far as men are concerned, they could not be interfered with without evidence of an intention or engagement to serve as confederate seamen, and no such evidence was ever offered to her Majesty's government. What if these guns and men were sent in a vessel which cleared for Bombay, would it have been right for her Majesty's government, without evidence, to seize such a vessel? Would not proceedings thus unauthorized by law or by any legal grounds of suspicion have been loudly and universally condemned? It is true that arms were sent out to the Olinde, a French vessel, and that the Sea King, having changed its character at sea, appeared afterwards as a confederate ship-of-war. But, in the words of Mr. Adams in 1818, "for such events no nation can in principle, nor does it in practice, hold itself responsible." With regard to the export of arms sent by individuals in this country to vessels on the high seas, it must not be forgotten that the government and courts of the United States have always upheld the legality of this traffic. On the subject of certain memorials of British subjects sent to the Secretary of State of the United States during the revolutionary war Mr. Jefferson says: "We have answered that our citizens have always been free to make, send, or export arms; that it is the constant occupation and livelihood

of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries with which we have no concern, would hardly be expected. It would be hard in principle and impossible in practice." This, be it recollected, was not the opinion of Mr. Jefferson alone; he wrote by the direction of General (then President) Washington.

With respect to the alleged destruction of the mercantile navigation of the United States, it must be noted that it has been common to transfer American merchant ships, without change of cargo or of crew, nominally to British owners in order to avoid the higher rates of insurance payable during war. With peace the mercantile marine of the United States will, I have no doubt, be at least as numerous as before.

I am happy to see that you declare yourself by no means insensible to the efforts which her Majesty's government have made, and are still making, to put a stop to such outrages on this kingdom and its dependencies, and that you cannot permit yourself to doubt the favorable disposition of the Queen's ministers to maintain amicable relations with the government of the United States; nay, further, you state that the avoidance of the gravest of complications "has been owing, in the main, to a full conviction that her Majesty's government has never been animated by any aggressive disposition towards the United States, but, on the contrary, that it has steadily endeavored to discountenance, and in a measure to check, the injurious and malevolent operations of many of her subjects." The question then really comes to this: Is her Majesty's government to assume or be liable to a responsibility for conduct which her Majesty's government did all in their power to prevent and to punish?—a responsibility which Mr. Adams, on the part of the United States government, in the case of Portugal, positively, firmly, and justly declined.

Have you considered to what this responsibility would amount?

Great Britain would become thereby answerable for every ship that may have left a British port and have been found afterwards used by the confederates as a ship-of-war; nay, more, for every cannon and every musket used by the confederates on board any ship-of-war, if manufactured in a British workshop.

I now come to that part of your letter which relates to the future.

The late successes of the United States armies give us every reason to hope for a speedy termination of the war. In such case the restrictions which have been imposed upon the vessels of the United States as belligerents will of course cease. In such case also it is to be presumed the cruisers and privateers of the confederates will be at once sold and converted into merchant vessels. But the present state of affairs does not allow me to speak with certainty upon this point.

The questions remain, however, first, whether the United States vessels-of-war will be now allowed to come into the harbors of her Majesty's dominions without other restrictions than those usual in times of peace; and another question closely connected with it, namely, whether the confederates are still to be treated as belligerents.

My answers are the following:

In regard to the first question, her Majesty's government are quite willing that vessels-of-war of the United States shall be treated in the ports of her Majesty in the same manner as her Majesty's vessels-of-war are treated in the ports of the United States, with this single exception, that if an enemy's vessel-of-war should come into the same port, the vessel which shall first leave the port shall not be pursued by its enemy till twenty-four hours shall have elapsed.

Before answering the second question, I wish to know whether the United States are prepared to put an end to the belligerent rights of search and capture of British vessels on the high seas? Upon the answer to this question depends the course which her Majesty's government will pursue.

All that I can do further is to assure you that her Majesty's government, who have lamented so sincerely the continuance of this painful and destructive contest, will hail with the utmost pleasure its termination, and will view with joy the restoration of peace and prosperity in a country whose well-being and happiness must always be a source of satisfaction to the sovereign and people of these realms.

I am, &c.,

RUSSELL.

Mr. Adams to Earl Russell.—(Received May 21.)

No. 3.] LEGATION OF THE UNITED STATES,
London, May 20, 1865.

MY LORD: I have had the honor to receive your note of the 4th instant, in reply to mine of the 7th of last month. I have already taken the earliest opportunity to transmit a copy to my government. If it should not so happen that the course of events dispose of the matter beforehand, I shall probably receive instructions which will enable me to give the information which your lordship appears to desire.

Pending the receipt of these, however, I must ask pardon for observing that in the notice

which you have been pleased to take of the arguments submitted in my note, you have so far extended the field of discussion as to make it my duty to proceed in it still further.

And here I would beg leave to remark that if I am to judge of the general statement made of my position by the abstract of it presented to me by your lordship, I must have very grievously failed in offering the logical sequence of my propositions as distinctly as I had desired to do. This will render necessary another effort to place them before you in the following brief recapitulation:

It was my wish to maintain,

1. That the act of recognition by her Majesty's government of insurgents as belligerents on the high seas before they had a single vessel afloat, was precipitate and unprecedented.

2. That it had the effect of creating these parties belligerents after the recognition, instead of merely acknowledging an existing fact.

3. That this creation has been since effected exclusively from the ports of her Majesty's kingdom and its dependencies, with the aid and co-operation of her Majesty's subjects.

4. That during the whole course of the struggle in America, of nearly four years in duration, there has been no appearance of the insurgents as a belligerent on the ocean, excepting in the shape of British vessels, constructed, equipped, supplied, manned, and armed in British ports.

5. That during the same period it has been the constant and persistent endeavor of my government to remonstrate in every possible form against this abuse of the neutrality of this kingdom, and to call upon her Majesty's government to exercise the necessary powers to put an effective stop to it.

6. That, although the desire of her Majesty's ministers to exert themselves in the suppression of these abuses is freely acknowledged, the efforts which they made proved in a great degree powerless, from the inefficiency of the law on which they relied, and from their absolute refusal, when solicited, to procure additional powers to attain the object.

7. That by reason of the failure to check this flagrant abuse of neutrality, the issue from British ports of a number of British vessels, with the aid of the recognition of their belligerent character in all the ports of her Majesty's dependencies around the globe, has resulted in the burning and destroying on the ocean a large number of merchant vessels and a very large amount of property belonging to the people of the United States.

8. That in addition to this direct injury, the action of these British-built, manned, and armed vessels has had the indirect effect of driving from the sea a large portion of the commercial marine of the United States, and to a corresponding extent enlarging that of Great Britain, thus enabling one portion of the British people to derive an unjust advantage from the wrong committed on a friendly nation by another portion.

9. That the injuries thus received by a country which has meanwhile sedulously endeavored to perform all its obligations, owing to the imperfection of the legal means at hand to prevent them, as well as the unwillingness to seek for more stringent powers, are of so grave a nature as in reason and justice to constitute a valid claim for reparation and indemnification.

In making this recapitulation it is no part of my design to go over any part of the reasoning which has already been exhausted in the correspondence which I have had the honor heretofore to hold with your lordship. I shall endeavor to confine myself to such points as may have been raised by the new matter embodied in the note to which I now have the honor to reply.

With regard to my first proposition, I have ventured to affirm that the recognition of the insurgents as belligerents on the 13th of May was precipitate and unprecedented. That it was precipitate is clear from the fact that not a single vessel entitled to the character was at that moment afloat on the ocean, and that even on the land the war itself had barely commenced in the bloodless capture of Fort Sumter. That it was unprecedented I must infer that your lordship does not design to dispute, since it appears that you have not availed yourself of my invitation to furnish me with any examples.

Nevertheless I have endeavored, so far as I was able myself, to investigate the matter, in order that I might be fully satisfied in regard to the solidity of the reasons which your lordship has done me the favor to offer for so suddenly taking this step. I have found in history an abundance of instances of insurrection, either temporarily or ultimately successful; in most of them there was much more of necessity pressing upon neutral powers for deciding the points to which your lordship has referred in your note; but I have failed to discover a single occasion upon which any of the powers made a decision in anticipation of a case of immediate necessity presenting itself to their attention.

In this connexion I may, perhaps, be pardoned for reminding your lordship of the circumstances connected with the breaking out of the revolution in the British colonies in America. It could not then be said that cruisers and merchant vessels did not at once swarm on the ocean. Neither was the other contingency absent of the decision of her Majesty's government to close some ports and to blockade others. Yet I do not perceive that France, however well inclined to do so, did actually take a single step to declare, by proclamation, these insurgents as belligerents at any time. The course which it did take, the same which I find to have been usual, was to await the arrival of an insurgent vessel in her ports. When that event did happen a decision was made. It was received as belonging to a belligerent. The same course was likewise taken in Holland. But I must beg leave to remind your lordship

that even this quiet proceeding was instantly denounced by his Majesty's government in both cases as a wrong demanding reparation, and was made one of several grounds for which, in the end, Great Britain made war successively against each nation.

But the immediate recognition of the insurgents by a proclamation was not the only unprecedented proceeding resorted to by her Majesty's government to create a status which had no actual existence. In advance of that step, it now appears that measures were taken and overtures were made to effect a species of diplomatic negotiation with the so-called authorities at Richmond, for the purpose of gaining their adhesion to the four points of the celebrated treaty of 1856. Considering that the party applied to had not then, and has not at any moment since, ever been able to boast of sailing a single vessel of its own construction, equipment, and manning, this might very naturally have been construed by it as equivalent to offering to create for it a status in the ports of the proposing party, applying in advance of any idea of profiting by such a privilege. I do not intend to affirm that her Majesty's government, in taking this extraordinary step, had any design to hold forth an invitation. On the contrary, I disclaim any such idea. But it must be obvious to your lordship that some responsibility is often incurred for the injurious consequences naturally flowing from human action, even though there may not be the presence of evil intention. From the evidence already before the public, it does not admit of a doubt that these proceedings, taken together, did have the effect of encouraging the insurgents to a degree which led to the prosecution of their subsequent audacious policy.

The insurgents ultimately became a belligerent on the ocean solely by reason of the facilities furnished them in her Majesty's ports. The fact appears to me to be indisputable. For down to the close of the war, with the exception mentioned in my former note, of two passenger steamers stolen from the citizens of New York, not a single effective vessel of theirs has been seen on the ocean, excepting the six or seven which have been wholly supplied in and from this kingdom. Of the preparation of these steamers for the purpose indicated, I have endeavored from time to time to furnish your lordship with such evidence as I had it in my power to obtain. For a considerable time I found myself unable to stem the combined effect of the secret sympathy of her Majesty's officers in the port of Liverpool, and of your lordship's very natural incredulity, based on their reports, in procuring more than formal attention to my representations. Thus it was that the gunboat Oreto got away, and soon after became the armed privateer the Florida. All the statements I had the honor to submit proved true to the letter, but nevertheless the facility with which the evasion had been accomplished furnished the strongest encouragement to the subsequent great extension of the field of operations.

It was at that moment that a deliberate policy was adopted by the insurgents, under which a base was made in this kingdom for all the extensive warlike operations since conducted by them. The officers were then established, and all the ramifications of a bureau regularly organized.

The next example was that of gunboat No. 290, afterwards well known as the cruiser the Alabama. I refer to this case once more only because it has been particularly referred to by your lordship. I do so for the purpose of expressing my dissent from the statement made in your note in regard to certain important particulars. Your lordship is pleased to state that the papers affording evidence of a design to equip this ship for the confederate service were furnished to you on the 22d and on the 24th of July. This is certainly true. But your lordship will be kind enough to remember that my first note, giving information as to the character of that vessel, was dated on the 23d of June—that is, one month preceding. On the 4th of July, the commissioners of her Majesty's customs, to whom that representation was referred, made a report admitting the fact that the vessel was certainly built for a ship-of-war, but affirming that the evidence presented of her being intended for the so-called confederate government was not sufficient to justify a detention. The concluding sentence in their letter was in these words. I pray permission to ask your lordship's particular attention to them:

"We beg to add that the officers at Liverpool will keep a strict watch upon the vessel, and that any further information that may be obtained concerning her will be forthwith reported."

Here was a distinct pledge on the part of two of her Majesty's officers that "they would keep a strict watch on this vessel," which pledge was sent to me with your lordship's note of the 4th of July, requesting me to obtain such further evidence as might tend to show the destination of the vessel. Considering this as a distinct engagement, sanctioned by her Majesty's government, to keep faithful watch over that vessel so long as it might be necessary to obtain more evidence as to her character, the precise date of the receipt of that evidence becomes a question of secondary importance. The true question appears to be how that pledge was actually redeemed. This will appear clearly enough in the sequel.

On the 9th of July the consul made a statement to the collector of facts as they had become known to him. He entered into a number of details in respect to the persons engaged in connexion with this vessel, naming individuals with a particularity certainly deserving of some investigation by her Majesty's officers at Liverpool, if they really meant to satisfy themselves that she ought to be detained. But it does not appear that they considered it their duty to initiate or even to carry on any inquiry. The board of customs contented themselves

with a formal reply on the 15th instant, denying that there was sufficient prima facie evidence to justify a seizure of the vessel.

On the other hand, my lord, I must take the liberty to remark, after a calm re-examination of the substance of that letter, that if there was not prima facie evidence enough in it to justify the seizure, there was matter enough in it to make it the bounden duty of her Majesty's officers to lose no time and omit no effort to obtain the evidence on their own account to verify or to disprove the allegations.

They do not so appear to have read their duty. The consequence was that more time was necessary for me to procure the information which, as officers of the Crown, they admit in their own letter they ought to have procured themselves. I did obtain evidence, though the process naturally consumed time. That evidence was submitted on the 21st of July by the consul at Liverpool to the collector of that port, and by him referred to the board of customs. The deliberate answer of that body was made on the 23d of July, and it was to the effect that it was not sufficient to justify any steps being taken against the vessel under the law.

Thus far it appears that although her Majesty's officers had pledged the government to keep faithful watch over the vessel and report any further information they might obtain, no one of them seems to have been disposed to pay the smallest attention to any representations or any evidence offered by myself or any agent of the United States, even so far as to stimulate his own action in any way whatever. A change now took place, to the nature of which I beg most particularly to call your lordship's attention.

On the next day after this decision of the customs board I had the honor of sending to your lordship copies of six of the very same depositions which had been already sent to them. Whether these would by themselves have met with a better fate I cannot venture to pronounce. But on the 24th I transmitted two additional ones, to which was appended a professional opinion by a British subject, distinguished as a Queen's counsel, which had been given to me after a careful examination of all these papers. It was to the following effect:

"1. That if the collector of Liverpool did not detain the vessel he would incur a heavy responsibility, of which the board of customs must take their share.

"2. That if the vessel was allowed to escape, it deserved consideration whether the federal government would not have serious grounds of remonstrance."

These were ominous words. They laid the responsibility distinctly upon the very parties who had given the original pledge of vigilance and attention. And yet during the very interval in which her Majesty's government was deliberating upon their purport, the vessel was permitted to escape. Neither did this event occur without most explicit warning of the danger having been given by a person acting on behalf of the United States. As early as the 23d of July, six days before that escape, Mr. Squarry, the solicitor employed in the case, addressed a note to the secretary of the customs board, warning them most distinctly of the fact that the vessel was ready for sea; had fifty men on board, and could sail at any time. On the 26th he wrote another letter, repeating the warning once more; yet in spite of the promise to keep a strict watch, and in spite of these repeated warnings, the vessel was permitted to steam out of Liverpool just as if no cause of suspicion of her destination had ever been excited. And, as if to crown the extraordinary character of the transaction, after receiving from Mr. Squarry notice on the 29th that the vessel was actually gone, it was not until the 31st that telegrams were issued to Liverpool ordering her detention. I must respectfully represent to your lordship that this proceeding, so far from appearing to do any justice to the demand of the United States, looks almost as if it were intended as a positive insult.

It is true that on the same day telegrams ordering a detention were sent to Cork; likewise, on the 1st of August, to Beaumaris and Holyhead; and on the 2d of August a letter was sent to the collector at Cork to the same effect. For all practical purposes, they might have been sent just as well at this moment that I am addressing these lines to your lordship. It further appears that instructions were sent to the governor of the Bahamas in case the vessel should visit Nassau. The vessel did not visit that place; but the next time she visited a port within her Majesty's dominions was after she had entered upon her career of depredation, and then, instead of being detained, she was politely received and acknowledged as the vessel of a *bona fide* belligerent.

It now appears that from the day when, by the flagrant negligence of her Majesty's board of customs, this vessel admitted to be intended for war purposes was suffered to depart from the port of Liverpool, down to the hour of her destruction by the United States steamer Kearsarge off the coast of France, she came again and again into the ports within her Majesty's jurisdiction; and instead of being treated as her Majesty's government directed if she should go to Nassau, she was everywhere hailed with joy and treated with hospitality as a legitimate cruiser.

On behalf of my government I respectfully protest against the whole of this proceeding as contrary to recognized principles of international law. What the obligation of her Majesty's government really was in this instance is so clearly laid down by a distinguished writer, notoriously disposed never to exaggerate the duties nor to undervalue the privileges of neutrals, that I will ask the liberty to lay before you his very words:

"Le fait de construire un bâtiment de guerre pour le compte d'un belligérant, ou de l'armer dans les Etats neutres, est une violation du territoire. Toutes les prises faites par un bâtiment de cette nature sont illégitimes, en quelque lieu qu'elles aient été faites. Le Souverain

offencé a le droit de e'en emparer, même de force, si elles sont amenées dans ses ports, et d'en réclamer la restitution lorsqu'elles sont, comme cela arrive en général, conduites dans les ports hors de sa jurisdiction. Il peut également réclamer le désarmement du bâtiment illégalement armé sur son territoire, et même le détenir, s'il entre dans quelque lieu soumis à sa souveraineté, jusqu'à ce qu'il ait été désarmé."

It is, then, with undoubting confidence in the justice of the reasoning here presented that I take the liberty to reaffirm the validity of the claims of my government for all the damage done by this vessel during her career, and ask reparation therefor.

With respect to the extract from the letter of Mr. Seward to me of the 13th August, 1863, (actually written in 1862,) by a clerical error in your lordship's note that for a time misled me, which you are pleased to quote as a proof that he was perfectly satisfied with the proceedings, I can only remark that the very date itself sufficiently proves that his language never could have been intended to apply to the extent to which your lordship appears to suppose, for at that moment he had been but very partially put in possession of all the facts connected with the case. His remark obviously pointed only to the disposition of your lordship, which has never been brought into question. What he has thought of the whole case since, what instructions have been given to me in consequence, are matters too well known to your lordship to render further explanation necessary.

Passing from this point to the more general question between the two countries, I proceed to the task of considering an argument of your lordship of a widely different description; this is one drawn entirely from the authority supplied by the previous practice of the government which I have the honor to represent. You cite this as an example to sustain the position taken by her Majesty's government against the present claim. It is urged that, in at least two instances cited, where similar claims were presented by the representatives of foreign powers to the United States, they were replied to with substantially the same reasoning now repeated by her Majesty's government. These are the cases of Spain and Portugal, the commerce of which countries had suffered from depredation on the ocean committed by vessels built, armed, manned, and equipped by citizens of the United States, and despatched from their ports.

The first remark that I would pray permission to submit in connexion with this view of the subject is this: That even if it were true that the government of the United States had, half a century since, refused to recognize the just claims of other powers for damages done, by reason of their omission to prevent the abuse of their neutral ports to the commerce of those powers, it could in no degree change the nature of any subsequent omission or neglect committed by other powers at this day. It is a principle of morals too thoroughly known to your lordship to require my dwelling upon it for a moment, that the wrong-doing of one party cannot be cited in justification of a repetition of the act by another. Surely if the United States government had ventured upon declaring what was once known as a paper blockade of the southern coast, her Majesty's government would not have been content to be told that such was the acknowledged practice of Great Britain many years ago. Neither would it have been better satisfied, if the United States had resorted to the press-gangs in the outset of the war to fill their ships with British subjects forced against their will to fight their own countrymen in the Alabamas, and Floridas, and Shenandoahs, and Tallahassees, depredating on the ocean, to be told, in answer to their remonstrances, that just such was the treatment Americans experienced at the hands of Great Britain prior to the war of 1812.

But conclusive as this reasoning may be held to be to annul at once all the authority that springs from mere precedent as its source, I am by no means disposed to resort to it in the cases cited by your lordship. They are very familiar to me, and to my view are in themselves so far from furnishing strength to the positions which have been taken by your lordship, that they bear directly the contrary way. The parallel attempted to be drawn is, in other words, wholly defective and inapplicable.

In regard to the injuries inflicted by citizens of the United States upon the commerce of Spain, the extract which your lordship is pleased to quote from the official note of the representative of the latter country, Don Luis de Onis, certainly does show that such were actually committed. I am not aware that the government of the United States ever denied the fact. The expedition fitted out by General Miranda against a certain portion of the coast of South America, then under Spanish rule, was unquestionably a violation of the neutrality of the country which ought to have been prevented. All these cases constituted claims which the Spanish government held against the United States, very much in the same way that the claims for damage done by the Alabama, &c., issued from British ports, are now held by the United States. On the other hand, however, it should be observed that out of the wars of Europe there had grown up a much larger amount of claims on behalf of the people of the United States for injuries done to their commerce by illegal seizure and condemnation of their vessels in the ports of Spain. In progress of time the necessity became urgent on both sides to enter into a deliberate examination of the merits of these respective claims, and, if possible, to arrive at fair terms of settlement. A plan of a treaty was proposed, embracing all that was regarded as fairly to be brought forward on the two sides. It was during this process that Don Luis de Onis the very same person whom your lordship has been pleased to cite as making the complaint, himself, on the 24th of October, 1818, presented a project of six articles, intended to include every one of those objects.

There can be no doubt that this proposal was intended to cover the very claim which was presented in the previous note of January, 1817, an extract from which your lordship has done me the honor to quote. If your lordship should have any inclination to draw it into question, I shall only have to refer you to a second projet presented by the same individual on the 16th of November, 1818, in which occur these words:

"My fourth proposal to your government has for its object the renunciation by both governments and nations of all claims for spoliations respectively suffered by either of the two powers or their subjects until the signing of the treaty."

And as voucher for what was meant, there is attached to this paper a document containing three separate lists: one, of the names of the Spanish vessels taken; another, of the privateers fitted out in the American ports, by which they were taken; and a third, of the property taken in those vessels. In other words, these constitute the very claims for injuries complained of in the note of M. Onis, to which your lordship has been pleased to refer.

To this proposition, so presented by M. Onis, the government of the United States raised no objection. It was, therefore, so far as it went, admitted as an item *pro tanto* on the side of Spain in the settlement of the opposite questions between the two nations. As such, it was incorporated into the projet of a treaty, drawn up by Don Luis de Onis, for the consideration of the United States government, and delivered on the 9th of February, 1819. In this paper it makes a portion of the tenth article. The renunciation of his Majesty was made to extend to all injuries caused by the expedition of Miranda, fitted out and equipped at New York, and "to all claims of subjects of his Catholic Majesty upon the government of the United States, in which the interposition of his Catholic Majesty's government has been solicited before the date of this treaty, and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of his Majesty, or to his minister in the United States."

It is not to be supposed for a moment that in making this voluntary offer the Spanish government did not expect to gain for it a just equivalent in settling the other and less favorable terms of the treaty.

This offer so made was accepted by Mr. Adams for the United States, and incorporated in his counter projet offered to Don Luis de Onis on the 13th of February, 1819.

It therefore now stands *totidem verbis* as a part of the treaty signed by the representatives of the two countries on the 22d of February of that year.

All the papers from which these extracts are taken have been long before the world. I trust I may therefore be pardoned if I express no small astonishment that your lordship should have fallen into the error of affirming in the note which I have had the honor to receive that "it does not appear that any compensation was ever made for any of these seizures."

I now ask leave to proceed to the consideration of the other case referred to in your lordship's note, the claim of Portugal upon the United States for similar injuries to those complained of on behalf of Spain. I am the more disposed to approach the subject that, unlike the other case, it is new in the correspondence which it has been my duty to hold with your lordship, and that it gives me an opportunity to correct some misapprehensions which appear to exist as to its true character and bearing on the present discussion.

The extracts from various public papers of the government of the United States with which your lordship has favored me sufficiently establish the fact as stated, to wit:

"That the revolutionary movement in South America excited the sympathy of the people of the United States."

Your lordship is pleased here to apply the parallel so far as to admit that in this kingdom there was similar sympathy with "the people of the southern States" in what you describe as "their endeavors to give these States an independent position in the world." This was an unfortunate illusion as to the true objects of that struggle of which I have been aware, but which I have never ceased to regret.

Yet I would respectfully call the attention of your lordship to the circumstance, in connexion with this supposed parallel, that notwithstanding the sympathy of the people of the United States with South America, and notwithstanding that the insurgents did possess both open ports and abundant facilities for cruising on the ocean, the government of the United States did not herald their movement by a prompt declaration recognizing these people as a belligerent power as against Spain.

So far was this from being true, that no sooner was it known that movements were set on foot to make a few of the ports of the United States a base for the operations of the insurgents, aided by citizens of the country, than orders were given to the proper officers of the government to apply the whole power of the existing laws to prevent it. In proof of this assertion I pray permission to submit the reports of the prosecuting attorneys for the two districts in which the offences were most committed. Copies of these papers will be found appended to this note. They will show that seven different individuals, citizens of Spanish America, engaged in these operations against the neutrality of the country, were subjected to trial for their offences in the courts. I would here beg leave to interpose the remark that, so far as I know, in spite of all the evidence which I have presented to your lordship as to the complicity of leading insurgents of the United States residing in this kingdom in the violations of neutrality here committed, not a single prosecution has ever been attempted by her Majesty's government. They will also show that the only limit to the effort of the govern-

ment to punish the parties concerned was the inefficacy of the provisions of the law passed in 1794. It was this difficulty which soon forced itself upon the attention of the President.

It is here that I beg leave to take up the case of Portugal, and to ask attention to those particular points in which the action of the United States in this case differs most materially from that of her Majesty's government, with which it has been attempted to make a parallel.

On the 20th of December, M. J. Correa de Serra, the diplomatic representative of Portugal, at Washington, addressed a note to Mr. Monroe, then the Secretary of State, presenting the particulars of a strong case of violation of the law which had just happened in Baltimore. He proceeded frankly to acquit the government of any want of disposition to punish the offence, and to mention the obstacle, which he designated to be an imperfection of the statute law.

I pray your lordship's permission to cite the passage which explains the nature of the request he made in consequence:

"I apply, therefore, to this government in the present instance not to raise altercations or to require satisfaction, which the Constitution of the United States has not, perhaps, enabled them to give, because I know that the supreme executive of this nation, all-powerful when supported by law, is constitutionally inactive when unsupported by it. What I solicit of him is the proposition to Congress of such provisions by law as will prevent such attempts for the future. I am persuaded that my magnanimous sovereign will receive a more dignified satisfaction, and worthier of his high character, by the enactment of such laws by the United States which, insuring the respect due to his flag for the future, would show their regard for his Majesty, than in the punishment of a few obscure offenders (even if attainable) who, disowned as they are by the United States, no doubt, if they take any unwarrantable liberty with the property of his Majesty's subjects, meet the fate every honest mind wishes to them, and serve as examples and warning to those who may in future feel piratical dispositions. I rely on the President's wisdom, and the wish I am sure he must feel of putting an end to these shameful practices, and he will take the proper measures to have my just requisition fulfilled."

This was on the 20th December. Only six days elapsed after the reception of this application, when Mr. Madison, then the President, addressed a message to both houses of Congress in the following words:

"It is found that the existing laws have not the efficacy necessary to prevent the violations of the obligations of the United States as a nation at peace towards belligerent parties, and other unlawful acts on the high seas by armed vessels equipped within the waters of the United States.

"With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in course of equipment, with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions, and of a private commerce in military stores permitted by our laws, and which the law of nations does not require the United States to prohibit."

The precise points which he desired to have incorporated into a statute are specified in a note from the Secretary of State to Mr. Forsyth, chairman of the Committee on Foreign Relations. They are these:

"Having communicated to you verbally the information asked for by your letter of the 1st instant, except so far as it relates to the last inquiry it contains, I have now the honor to state that the provisions necessary to make the laws effectual against fitting out armed vessels in our ports for the purpose of hostile cruising seem to be:

"1. That they should be laid under bond not to violate the treaties of the United States, or the obligations of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot, including the cases of vessels taking on board arms and munitions of war, applicable to the equipment and armament of such vessels, subsequent to their departure.

"2. To invest the collectors, or other revenue officers where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the law; the detention to take place until the order of the Executive, on a full representation of the facts had thereupon, can be obtained. The statute-book contains analogous powers to this above suggested. (See particularly the 11th section of the act of Congress of April 25, 1808.)

"The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive, where there is reason to suspect an intention to commit the offence. They rest upon the general footing of punishing the offence merely where, if there be full evidence of the actual perpetration of the crime, the party is handed over, after the trial, to the penalty denounced."

Experience, both in America and in this kingdom, has united to prove that the measure of restraint here pointed out is almost the only effective one which can be resorted to in such cases. Had it been found possible to use it here I am confident that a great portion of the

difficulties experienced by her Majesty's government during the late war would have been avoided.

On the 3d of March, 1817, a temporary law was passed to meet the emergency, which was received by the Portuguese minister with the greatest satisfaction.

On the 8th of March, 1818, the Portuguese envoy addressed a representation to the Secretary of State in regard to the capture of three vessels by one of these illegal cruisers. But it should be particularly noted that these cases appear all to have grown out of depredations committed by a single vessel which had escaped from the United States previous to the date of the enactment of the new statute. The captures themselves took place on the ocean at about the time of its passage.

With the aid of this explanation your lordship will be better able to appreciate the force of the language of Mr. Adams, then the Secretary of State, in his reply to the Portuguese minister, which you have done me the honor to quote in your note. The government had not only literally done all in its power, under existing laws, to prevent these violations of neutrality, but had, at the request of the envoy himself, procured the adoption by Congress of a new and more stringent statute. Surely, under such circumstances, nothing more could reasonably be expected of it.

This seems to have been the opinion of the Portuguese minister himself. So well satisfied was he with the practical operation of this law in checking these enterprises, that, at the moment when it was about to expire by its own limitation of two years, on the 4th of February, 1819, he once more came forward to express his anxiety about losing it, and addressed an earnest representation to the United States government to secure an extension of the term. The reply was to the effect that it had not only been incorporated into a new and improved form, but was made permanent.

This will appear from the following note of Mr. Adams:

"SIR: In answer to your letter of the 4th instant, I have the honor of informing you that the act of Congress of 3d March, 1817, to which it refers, was repealed by the act of the 20th of April last, entitled 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' being the eighth chapter of the laws of the last session. On referring to this last-mentioned statute, which is not of limited duration, you will find that the provisions of the temporary act of 3d March, 1817, are re-enacted by it."

From all which proceedings it distinctly appears that, although there were some violations of neutrality committed in defiance of every precaution both before and afterwards, yet the position of the United States in regard to every complaint was an impregnable one. It had done everything in its power, not only to execute existing laws, but to provide more stringent and satisfactory enactments to remedy the defects of the old ones.

Had her Majesty's government in its wisdom decided to do as much as this in the late war, I am not sure that I should have been able to resist the argument drawn from the example your lordship has cited in its defence. But I regret to be obliged to remind you, that so far was this from being the case, it took diametrically the opposite course. At an early period my government, not unaware of the obstacles that were presenting themselves to the effective application of the existing statutes of Great Britain to the offences notoriously committed within this kingdom, directed me to call your lordship's attention to the expediency of procuring for the government more stringent provisions. I did then venture respectfully to propose to you that some steps should be taken to obtain at least such modifications of the existing enlistment act as might tend to make it a better preventive measure. Your lordship was pleased in the first instance to respond favorably, at least so far as to make the adoption of such amendments conditional upon corresponding and simultaneous action on the part of the United States; but no sooner had I succeeded in obtaining from my government its assent to a consideration of the arrangement, and communicated the result to you, than your lordship will be so good as to recollect that I received for answer that her Majesty's government had in the interval reconsidered its decision, and had finally determined to rely upon the existing statutes as quite effective to answer the desired purpose.

From this survey of the two cases, it must then be obvious, that the parallel which your lordship has attempted is by no means to be regarded as complete; inasmuch as in the one instance everything that was required as security by a foreign power was actually done to please it, whilst in the other everything required was as positively declined. Hence the responsibility for the evil consequences which was lifted by its own action from the one party, seems to have been entailed with renewed force by its refusal to act upon the other.

Your lordship is pleased to observe that you can never admit that the duties of Great Britain towards the United States are to be measured by the losses which the trade and commerce of the United States may have sustained. To which I would ask permission to reply that no such rule was ever desired. The true standard for the measurement would seem to be framed on the basis of the clear obligations themselves, and the losses that spring from the imperfect performance of them.

With regard to the observations of your lordship respecting the seizure by her Majesty's government of the two steam war-vessels constructed by Mr. Laird, at Liverpool, I have at all times endeavored to bear my feeble testimony to the earnest desire then manifested to put a stop to that most outrageous of all the attempts that have been made to violate the neutrality

of this kingdom. At the same time, however, since your lordship has been pleased to open that subject, it is no more than my duty to observe that the proceeding does not appear to have terminated as, in accordance with her Majesty's dignity, I am compelled to think it should have done, in fully upholding the authority of the sovereign power, but rather in a necessity to resort to an indirect mode of escaping the hazard of recourse to the ordinary process of the courts for the protection due to a foreign nation. So far as the claims of the government of the United States are concerned, it matters little by what means the end may have been reached. At the same time, it is impossible for it not to have been made painfully conscious in the process that the security of the peace of the two nations from one of the most flagrant violations of international obligations ever attempted, should have been left to hang upon a mode of proceeding wholly foreign from the recognized and established law of the land.

The fact of the extraordinary decline of the mercantile navigation of the United States simultaneously with a corresponding increase of that of Great Britain, as shown in the tables appended to my former note, does not appear to be disputed by your lordship; nor yet the other fact, that it sprang from the transfer of vessels from the one side to the other by reason of the ravages committed by armed steamers fitted out from the ports of Great Britain. It is true your lordship is pleased to avoid the natural inference which I have been compelled to draw from this state of things, by explaining the process in another way. You are pleased to affirm it as a fact that "it has been common to transfer American merchant ships, without change of cargo or of crew, nominally to British owners, in order to avoid the higher rates of insurance payable during war." But in reply to this I would remark, in the first place, that even if this statement be correct to a far greater extent than I should at present be disposed to admit, it is nothing less than a direct fraud on one of the belligerents, which, if it had had native vigor, instead of being an unthrifty offshoot from a purely British stock, would have furnished to it just ground for general retribution upon British commerce, by subjecting it to the most annoying suspicion and severe examination; and in the next, that the very fact of the admitted rise in the rates of insurance on American ships only brings us once more back to look at the original cause of all the trouble, to wit, the fact of the issue of all the depredating vessels from British ports, with British seamen, and with, in all respects but the presence of a few men acting as officers, a purely British character.

Thus it is that whatever may be the line of argument I pursue, I am compelled ever to return to the one conclusion: the nation that recognized a power as a belligerent before it had built a vessel, and became itself the source of all the belligerent character it has ever possessed on the ocean, must be regarded as responsible for all the damage that has ensued from that cause to the commerce of a power with which it was under the most sacred obligations to preserve amity and peace.

There remain a few minor points in your lordship's note which might have elicited further comments on my part, but for the consideration that the positions taken in regard to them by my government have been already on a former occasion sufficiently set forth. I am therefore reluctant, by further extending this note, to run the risk of trespassing unnecessarily on your lordship's patience. I trust that, in performing the task to which my sense of duty calls me, I shall not be found to have in any degree transgressed the limits of amicable discussion to which it is the earnest desire of my government that I should ever adhere, and which it is always my own disposition to observe.

I pray, &c.,

CHARLES FRANCIS ADAMS.

[Enclosure 1 in No. 3.—Extract.]

Mr. Dick, attorney of the United States for the district of Louisiana, to the Secretary of State.

MARCH 1, 1816.

Attempts to violate the laws by fitting out and arming, and by augmenting the force of vessels, have no doubt been frequent, but certainly in no instance successful, except where conducted under circumstances of concealment that eluded discovery. In every instance where it was known that these illegal acts were attempting, or where it was afterwards discovered that they had been committed, the persons engaged, as far as they were known, have been prosecuted, while the vessels fitted out, or attempted to be fitted out, have been seized and libelled under the act of the 5th of June, 1794; and when captures have been made by vessels thus fitted out and armed, or in which their force was augmented or increased within our waters, where the property taken was brought within our jurisdiction, or even found upon the high seas by our cruisers, and brought in, it has been restored to the original Spanish owners, and in some instances damages awarded against the captors.

An enumeration of the cases in which individuals have been prosecuted for infringing, or attempting to infringe, our neutrality in aid of the governments of New Spain, in which vessels have been seized and libelled, under the act of the 5th June, 1794, together with a list of the vessels and property restored to the original Spanish owners, (confining the whole to

the operations of the year commencing March, 1815, and ending February, 1816,) will show more conclusively, perhaps, than anything else can, how totally without foundation are the complaints, and how misplaced are the assertions, of the minister of Spain on this head.

Names of individuals prosecuted in the district court of the United States for the Louisiana district during the year 1815, for violating, or attempting to violate, the neutrality of the United States, in aid of the government of the United Provinces of New Granada and of the United Provinces of Mexico:

José Alvarez Toledo, Julius Cæsar Amigoné, Vincent Gambie, John Robinson, Romain Very, Pierre Lameson, Bernard Bourden.

List of vessels libelled for illegal outfits of the same governments during the same period:

Brig Flora Americana, restored; schooner Presidente, condemned; schooner Petit Melan, condemned; schooner General Bolivar, discontinued; schooner Engenen, *alias* Indiana, condemned; schooner Two Brothers, restored.

Enumeration of vessels and property brought within the Louisiana district, captured under the flags and by authority of the governments of New Granada and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground that the capturing vessels had been fitted out and armed, or had their force augmented within the waters of the United States:

1. Schooner Cometa, restored April, 1815.
2. Schooner Dorada, proceeds restored May 16, 1815; $3,050.
3. Schooner Experimento, restored August 3.
4. The polacca brig De Regla and cargo, proceeds restored December 18, 1815; $19,209 50.
5. Schooner Alerto and cargo, being the proceeds of the capture of about eighteen small vessels, restored December 18, 1815; $62,150 05.

Damages awarded to the original owners against the captors in the two foregoing cases, $55,272 99.

6. Cargo of the schooner Petit Melan, restored February 1, 1816; $2,444 31.
7. Cargo of the schooner Presidente, February 1, 1816; $10,931 15.
8. Schooner Santa Ritor and cargo, restored February 1, 1816; $37,962 94.

The preceding account of Spanish property restored to the original proprietors after being in the possession of the enemies of Spain is defective, inasmuch as it does not comprehend the whole of the cases of restoration that have taken place within the period to which the detail is confined.

The very hasty manner in which I have made this communication did not admit of a more accurate statement. The principal cases, however, are included in it.

In several other cases, where the property was claimed for the original Spanish owners, the claims were dismissed because it did not appear that any violation of our neutrality had taken place. The capturing vessels were not armed, nor was their force augmented within our jurisdiction, nor had the captures been made within a marine league of our shore. The principles that guided the decision of the court, as well in restoring the property captured, where our neutral means had been used, as in declining all interference where that was not the case, manifest, I think, a disposition to and an exercise of the most rigid neutrality between the parties.

[[Enclosure 2 in No. 3.]

BALTIMORE, *September* 7, 1816.

SIR: Immediately upon the receipt of your letters of the 16th of August, I obtained from the collector of that port an affidavit, stating that Thomas Taylor had in April last sworn that he was a citizen of the United States, and, as such, had cleared out the schooner Romp, which vessel the collector also declared, on oath, he believed to have cruised against the vessels of the king of Spain since that time. Upon which affidavit an intelligent justice of the peace of this city, well-disposed upon the score of political feeling to do as much as justice required towards the punishment of Taylor for his conduct, issued a warrant, by virtue of which Taylor was arrested. Upon its return, I appeared before the justice (whose name is John Dougherty) and presented all the documents which were sent to me in company with your letter, which were read and received as evidence by him. I also caused a sailor who had served on board the Romp, and who was at that time

in the hospital at this place, to be summoned, as also the editor of the American newspaper, in which Taylor's letter had appeared, bearing date at "Baltimore, the 10th of July, 1816;" all of whom were examined on oath before the justice. The sailor was cautioned not to any probable cause to believe he was concerned with or advised Squire Fisk to commit the acts of piracy which were committed by him on his late cruise, and as Taylor never was on board the Romp from the time she left Baltimore. Thus ended this case, as far as I have gone.

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ELIAS GLENN.

No. 4.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 30, 1865.

SIR: Having purposely delayed an answer to your letter of the 20th of May, I now resume our correspondence at a time when the civil war has entirely ceased; when the whole territory of the United States is subject to the government of the Union, and the United States have not an enemy in the world. I resume it, therefore, at a time such as was foreseen in your letter of the 23d of October, 1863, "favorable for a calm and candid examination by either party of the facts or principles involved in cases like the one in question."*

I resume it also at a time when Mr. Seward has recovered from the injuries he received from an accident, and the wounds inflicted by an assassin, and is therefore able to apply his remarkable powers of mind to the questions at issue. I take this opportunity of saying that no one rejoices more than myself at this happy recovery from injuries so serious.

In continuing, in this state of affairs, our correspondence, I must again express my satisfaction at finding that you do justice to the impartial intentions of her Majesty's government. I must here repeat that you have never permitted yourself to doubt the favorable disposition of the Queen's ministers to maintain amicable relations with the government of the United States; and you attribute the avoidance of the gravest of complications to a full conviction that her Majesty's government has never been animated by any aggressive disposition towards the United States, but that, on the contrary, it has steadily endeavored to discountenance, and in a measure to check, the injurious operations of many of her Majesty's subjects.†

This decisive testimony from a person of your high character, who has now for four years held the confidential position of minister of the United States accredited to her Majesty, and has thereby been enabled to judge of the intentions of her Majesty's government throughout this long and destructive contest, is most gratifying to her Majesty's government. It is most satisfactory to know that you share in none of those suspicions and indorse none of those charges of an unfriendly and unfair disposition on the part of her Majesty's government, with which public writers and speakers have endeavored to poison the public mind in the United States, and to produce ill-will and hatred between the two nations.

The question, then, as I understand it, is now reduced to these terms: whether her Majesty's government have judged rightly the state of a friendly nation disturbed by a formidable insurrection, and whether they have correctly applied the law of nations in respect to their duties towards that friendly nation.

In recapitulating your statements on this subject, you say "that the injuries thus received by a country which has meanwhile sedulously endeavored to perform all its obligations, owing to the imperfection of the legal means at hand to prevent them, as well as the unwillingness to seek for more stringent powers, are of so grave a nature as in reason and justice to constitute a valid claim for reparation and indemnification."

Differing, as her Majesty's government do, from your statement of the facts upon which the judgment of the two governments is to be ultimately formed, I lay down with confidence the following propositions:

1. That the history of modern nations affords no example of an insurrection against a central government so widely extended, so immediate in its operation, so well and so long prepared, so soon and so completely furnished with the machinery of civil government—a national representation, generals and officers of high military reputation, armies fully equipped, and fortifications recently in possession of the established government.

2. That intelligence reached her Majesty's government, in the spring of 1861, that seven combined States had declared in favor of this insurrection; that three more States, including the great and powerful State of Virginia, were preparing to join them; that these States commanded upwards of 3,000 miles of sea-coast; that they comprised more than 5,000,000 of people, exclusive of the negro slaves: that the president of the insurgent government had proclaimed his intention of issuing letters of marque and reprisal; that the President of the United States, on the other hand, had proclaimed his intention to establish

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* Parliamentary paper, North America, No. 1, 1864.
† Mr. Adams, April 7, 1865.

a blockade of all the ports of the southern States; and that in these circumstances the commander of her Majesty's naval forces on the North American station earnestly solicited instructions for his guidance.

3. That in view of these extraordinary events, unexpected and undesired, her Majesty decided to proclaim her neutrality in this contest; to allow the belligerent blockade of more than 3,000 miles of coast, including of course the right of search, detention, and capture on the part of the United States, and on the other hand, as in duty bound, to recognize in the so-called Confederate States the rights of a belligerent power.

4. That her Majesty's government put in force with fairness and impartiality the neutrality they had proclaimed.

5. That the foreign enlistment act, which is intended in aid of the duties and rights of a neutral nation, can only be applied when a ship is armed or fitted out, or begun to be armed or fitted out, and even in that case only when proof can be obtained that the ship so armed or equipped, or begun to be armed or equipped, is intended for the service of a power at war with a friend or ally of her Majesty.

6. That in the instance of the Oreto, the case justifying the detention of the vessel was not complete; and in the case of the Alabama, the proof was declared to be complete only on the very morning when the owners of the Alabama, having by some means obtained information of what was intended, got away on a false pretence.

7. That the Oreto was begun to be built here, was afterwards detained and tried at Nassau, was acquitted, and was afterwards completed at Wilmington, a port of the confederates.

8. That the iron-clad rams were detained, and afterwards seized at Birkenhead; that the so-called Canton or Pampero was prosecuted and convicted in Scotland; that the Victor, afterwards the Rappahannock, was forced to take refuge at Calais in order to avoid seizure, and till the close of the war never appeared on the seas.

9. That it is not enough to say that the foreign enlistment act might have been amended and made more efficient, unless it be shown that the amendments suggested would have been clearly efficient, and would have been consistent with the laws of a free country.

10. That nothing but the most extensive employment of spies and informers, and the most arbitrary powers of detention and seizure on the most vague and slight suspicion, could have prevented a British or American merchant, in combination with a confederate enemy of the United States, from sending an unarmed ship to distant neutral waters, from sending arms to the same waters, and from combining the ship and the arms in a hostile cruiser against the commerce of the United States.

11. That the Shenandoah was despatched and armed in this manner.

12. That there is no reason or ground whatever to accuse her Majesty's government of failure in the performance of their international obligations during the four years of civil war, and consequently no valid claim can be made for reparation and indemnification.

With respect to your allegation that the concession of belligerent rights to the confederates was "precipitate and unprecedented," I answer both epithets by saying, first, that our declaration followed, and did not precede, your own declaration of the intended blockade of six or seven considerable ports, and the declaration of an intention on the part of the confederates to issue letters of marque; and, secondly, that a sudden insurrection of such magnitude being unprecedented, our recognition of its existence was necessarily likewise unprecedented.

But let me refer for a short time both to the law laid down by your own courts on this subject, and the state of facts as shown by official documents. The judgment of the Supreme Court of the United States given in 1862 ("Black's Reports, Supreme Court," vol. ii, pp. 666–670) lays down with equal sense and learning the following propositions:

"The right of prize and capure has its origin in the *jus belli*, and is governed and adjudged under the law of nations. *To legitimate the capture of a neutral vessel or property on the high seas, a war must exist de facto*, and the neutral must have a knowledge or notice of the intention of one of the parties belligerent to use this mode of coercion against a port, city, or territory, in the possession of the other.

"The parties belligerent in a public war are independent nations; but it is not necessary to constitute war that both parties should be acknowledged as independent nations or sovereign States. *A war may exist when one of the belligerents claims sovereign rights as against the other.*

"A civil war is never solemnly declared; it becomes such by its accidents—the number, power, and organization of the persons who originate and carry it on. When the party in rebellion occupy and hold in a hostile manner a certain portion of territory—have declared their independence—have cast off their allegiance—have organized armies—have commenced hostilities against the former sovereign, the world acknowledges them as belligerents, and the contest as a war.

"'A civil war,' says Vattel, 'breaks the bonds of society and government, or at least suspends their force and effect; it produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge. Those two parties, therefore, must necessarily be considered as constituting, at least for a time, two separate bodies—two distinct societies. Having no common superior to judge between them, they stand in pre-

cisely the same predicament as two nations who engage in a contest and have recourse to arms.'

"As a civil war is never publicly proclaimed, *eo nomine*, against insurgents, its actual existence is a fact in our domestic history which the court is bound to notice and to know. The true test of its existence, as found in the writings of the sages of the common law, may be thus summarily stated: 'When the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, *civil war exists*, and hostilities may be prosecuted on the same footing as if those opposing the government were foreign enemies invading the land.'

"By the Constitution, Congress alone has the power to declare a national or foreign war. It cannot declare war against a State, or any number of States, by virtue of any clause in the Constitution. The Constitution confers on the President the whole executive power. He is bound to take care that the laws be faithfully executed. He is commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States. He has no power to initiate or declare a war either against a foreign nation or a domestic State. But by the acts of Congress of the 28th of February, 1795, and 3d of March, 1807, he is authorized to call out the militia, and use the military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrection against the government of a State or of the United States.

"If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. And whether the hostile party be a foreign invader, or States organized in rebellion, it is none the less a war, although the declaration of it be 'unilateral.' Lord Stowell (1 Dodson, 247) observes, 'It is not the less a war on *that account*, for war may exist without a declaration on either side.' It is so laid down by the best writers on the law of nations. A declaration of war by one country is not a mere challenge to be accepted or refused at pleasure by the other.

"This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local unorganized insurrections. However long may have been its previous conception, it nevertheless sprang forth suddenly from the parent brain, a Minerva in the full panoply of war. The President was bound to meet it in the shape it presented itself without waiting for Congress to baptize it with a name, and no name given to it by him or them could change the fact.

"It is not the less a civil war, with belligerent parties in hostile array, because it may be called an 'insurrection' by one side, and the insurgents be considered as rebels or traitors. It is not necessary that the independence of the revolted province or State be acknowledged in order to constitute it a party belligerent in a war according to the law of nations. Foreign nations acknowledge it as a war by a declaration of neutrality. The condition of neutrality cannot exist unless there be two belligerent parties. In the case of the Santissima Trinidad (7 Wheaton, 337) this court says: 'The government of the United States has recognized the existence of a civil war between Spain and her colonies, and has avowed her determination to remain neutral between the parties. Each party is, therefore, deemed by us a belligerent nation, having, so far as concerns us, the sovereign right of war.'

"The law of nations is also called the law of nature; it is founded on the common consent as well as the common sense of the world. It contains no such anomalous doctrine as that which this court are now for the first time desired to pronounce, to wit, that insurgents who have risen in rebellion against their sovereign, expelled her courts, established a revolutionary government, organized armies, and commenced hostilities, are not *enemies*, because they are *traitors;* and a war levied on the government by traitors, in order to dismember and destroy it, is not a *war*, because it is an 'insurrection.'

"Whether the President, in fulfilling his duties as commander-in-chief in suppressing an insurrection, has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided *by him*, and this court must be governed by the decisions and acts of the political departments of the government to which this power was intrusted. He must determine what degree of force the crisis demands. *The proclamation of blockade is itself official and conclusive evidence to the court that a state of war existed which demanded and authorized a recourse to such a measure under the circumstances peculiar to the case.*"

The course of her Majesty's government followed the course of events in America.

It appears by the Times of 3d May, 1861, that I stated in the House of Commons on the preceding day, (2d May,) "Her Majesty's, government heard the other day that the confederated States have issued letters of marque, and to-day we have heard that it is intended there shall be a blockade of all the ports of the southern States."

On the 6th of May I stated in the House of Commons the intention of the government, formed after due deliberation, to recognize the southern States as belligerents.

On the 10th May I received a despatch from Lord Lyons making the following announcement: "I have the honor to enclose copies of a proclamation of the president of the southern confederacy inviting application for letters of marque, and also a proclamation of the President of the United States declaring that southern privateers will be treated as pirates, *and announcing a blockade of the southern ports.*"

Thereupon the intention of her Majesty's government previously announced was carried into effect, and the proclamation of the 13th May, 1861, was issued.

It is very remarkable that an English schooner, the Tropic Queen, was captured for a breach of blockade, consisting in the act of lading her cargo on the 13th and 14th of May, 1861.

The offence in this case was committed on the very day that the Queen acknowledged the existence of civil war. The court, in giving judgment, referred to the notorious facts of the secession of the southern States, and proceeded thus:

"These facts, as set forth by the President, with the assertion of the right of blockade, amount to a declaration that civil war exists. *Blockade itself is a belligerent right, and can only legally have place in a state of war,*" &c.

What you contend for, I imagine, both as to the commencement of the war and as to its close, is, that the United States of America had a full claim to exercise all the rights of belligerents, but that Great Britain had no just claim to exercise any of the rights of neutrals.

This position, however, Great Britain never can permit.

Recognitions by the United States of belligerent rights belonging to insurgents have been frequent; Buenos Ayres, Colombia, and Mexico have been acknowledged by the United States to have belligerent rights against Spain; Brazil and Artigas against Portugal; Texas against Mexico; but in no case have these insurgent forces sprung up at once, fully armed, to the amount of five millions of men.

With respect to the Oreto and the Alabama, I have only again to repeat that up to the time when the Oreto left these shores, and up to the day when the Alabama escaped on a false pretence, the law officers of the Crown had not, by any legal opinion, enabled her Majesty's government to give any orders for the detention of these vessels.

I entirely concur with you that there was no use in giving orders on the 31st of July for detaining a vessel which had made its escape on the 29th. But up to the 29th the law officers had not thought the evidence sufficient to justify detention; but I cannot by any means admit what you seem to insinuate, that the law officers were deficient either in knowledge of the law or in willingness to apply it. Her Majesty's government fully accept the responsibility of their opinions. And it will be observed that the law officers, in addition to the reports of the custom-house officers, were in possession of all the information which it was in your power to furnish.

You allude to the case of the American revolution, and the conduct of France in not recognizing the belligerent rights of the insurgents then in rebellion against the British Crown.

Let us extend our view somewhat wider. There have been, in the period beginning in 1765 and ending in 1865, three cases of a somewhat similar kind. The first is that of the American revolution; the second is that of the revolt of the South American republics; the third is that of the civil war which, from 1861 to 1865, desolated the United States of North America.

In the first case the court of France sought only to injure Great Britain.

In this spirit, in 1776, before the declaration of independence, the French government put itself in connexion with Arthur Lee, through Baron de Beaumarchais, and with Benjamin Franklin, through Dubourg, offering to the United States the supplies they needed. When, however, the news of Burgoyne's surrender reached France, the French government took a more decided course. In February, 1778, they signed two treaties, one of commerce and one of alliance, with the United States of America. Nor were the motives of these acts on the part of Louis XVI by any means concealed.

M. Gerard was ordered to declare, on the King's part, to Arthur Lee and Silas Dease, the commissioners of the United States, "that his Majesty was fixed in his determination not only to acknowledge but to support our independence by every means in his power; that in doing this he might probably soon be engaged in a war, with all the expenses, risks, and damages usually attending it, yet he should not expect any compensation from us on that account, nor pretend that he acted wholly for our sakes; since, besides his real *good will, it was manifestly the interest of France that the power of England should be diminished by our separation from it.*"*

I am not arguing whether this conduct was justifiable; I am only showing that France, in the American war, took a part hostile to Great Britain in order to promote her own interests.

In the same spirit, in order to promote the interests of France, and injure those of Great Britain, the government of Louis XVI, two years after the declaration of independence, made an alliance offensive and defensive with the United States.

Such conduct, however it may be excused, or even admired in Europe or in America, could not form a precedent for Great Britain in the late civil war. Her Majesty's government had no wish to favor the separation of the southern States, with a view to injure the power or check the progress of the United States. It has been the wish of her Majesty's government, who had received no injury from either the northern or the southern States, and was living in amity with both, when hostilities of the most violent character commenced between them, to preserve an honest and impartial neutrality.

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* See "Diplomacy of the Revolution." By William Henry Trescot: New York, 1852.

The next case to which we have looked has been the insurrection of the South American republics against Spain, and of the empire of Brazil against Portugal.

This insurrection began slowly and partially at Buenos Ayres on the 14th of May, 1810, by the formation of a junta and the deposition of the viceroy; the government, however, being carried on in the name of the King of Spain until January, 1813, when a provisional government was established. On the 9th of July, 1816, the provinces of the Rio de la Plata issued a declaration of independence, and on the 20th of April, 1819, a constitution was published by the congress.

In 1811 the insurrection commenced in Paraguay, the Spanish governor was deposed, and a government established under the direction of Dr. Francia. On the 12th of October, 1813, a constitution was proclaimed.

In 1811 civil war commenced in Chili, but the declaration of independence was not issued until the 12th of February, 1818, and the war continued until 1820.

The revolution in Peru commenced in 1821, a declaration of independence being issued on the 15th of July, 1821, and the war continuing until 1824.

On the 15th of September, 1821, Guatemala declared her independence, which, however, was not finally established until the 1st of July, 1823.

The revolution in Colombia (including Venezuela, Ecuador, and New Granada) commenced April 19, 1810, at Caraccas. On the 5th of July, 1811, the congress declared Colombia an independent state, but the war with Spain continued until November, 1823.

In 1815 the President of the United States allowed belligerent rights to the South American States, and proclaimed a strict neutrality. This proclamation was recognized by the Supreme Court and other tribunals of the United States as the guide for their decisions.

It is here that her Majesty's government have looked for precedents. The United States had been, from 1793 to 1815, with the exception of two years, neutrals amid the great wars of Europe. Their wisest statesmen and their most learned judges had studied the law of nations profoundly with a view to extract from that law the rules for their own conduct, and the elements of their judgment on the conduct of others.

In 1794 the United States government had admitted the principle that if, after prohibiting the equipment and armament of cruisers in American ports, they abstained from using the means in their power to restore prizes captured and brought into United States ports by cruisers subsequently equipped or armed in those ports in violation of the prohibition, they were bound to give compensation for such prizes; but they appear to have limited their admission of liability to that particular class of cases.

When, therefore, the continent upon which they have erected a free and powerful state was convulsed with civil war, the President, Secretaries of State, Chief Justices, and other judges of the United States doubtless considered maturely the course they were bound to pursue.

You seem to have supposed that my meaning in reference to Portugal was that the United States in that case had been in the wrong; and therefore if Great Britain had been wrong in the present instance, the United States could not reproach us. But no such argument entered into my conception. My argument was this:

Portugal during the war of South American independence complained of captures by American vessels-of-war built in the United States, which had not been detained and seized and condemned in the ports of the United States.

The answer of Mr. Adams to these complaints was, as I conceived, valid and conclusive. He said, in effect, "Had you been able to prosecute and convict in the United States, our courts were open to you, and every facility was afforded you. But you cannot make the government of the United States responsible for the acts of men on the high seas over whom the United States exercise no jurisdiction."

Having repeated the very terms used by Mr. Adams, I say, "To this most just principle, which was again referred to by Mr. Secretary Clayton, and maintained against the government of Portugal to this hour, the government of the United States must be held still to adhere." In fact, there was no motive to bias their judgment on this bloody controversy. Spain and Portugal, weakened by bad government, and exhausted by recent struggles for existence, could inspire no apprehension and offer no temptation to the rising and vigorous power of the great western republic. The conduct of the United States government, therefore, is eminently deserving of our study, and, I may add, of our respect.

But as you have commented at some length on the treatment of Portugal by the United States during the war of South American independence, I will enter more fully than I had before done into that question.

The correspondence to which I refer began in December, 1816, and closed with a letter of the Portuguese minister in November, 1850. It cannot be pretended that the reclamations of a friendly power extending over thirty-four years did not receive the gravest attention of the American government.

In his first letter the Portuguese envoy at Washington complains that Mr. Taylor, of Baltimore, an American citizen, had directed Captain Fish, of the "Romp," an American ship, to cruise as a privateer under the insurgent colors of Buenos Ayres against the subjects of Portugal.

He adds, "The 18th of last month (November) the frigate 'Clifton,' Captain Davy, armed

with thirty-two guns of various calibres, and a crew of 200 men, sailed from Baltimore for Buenos Ayres. This ship anchored below that port, where it has remained for about a fortnight or more waiting for the American ship 'Independence of the South,' armed with sixteen guns, and for the ships 'Romp,' 'Tachahoe,' 'Montzeuma,' and 'Spanker,' and two others newly constructed, which were fitting with great activity, and which had not yet got names. All were to sail together to cruise in the eastern and western seas of South America, under the insurgent colors of Buenos Ayres. No doubt can be entertained of their instructions being the same as those of Captain Fish, and that they will act hostilely against Portuguese ships."

The Portuguese envoy, Joseph Correa de Serra, prays for an amendment of the law of the United States, with a view to render it more efficient in such cases. A law having been passed by Congress for this purpose, the Portuguese envoy, in May, 1817, requests that the President will desire the United States officers on the outposts to use greater vigilance.

In March, 1818, he complains that three Portuguese ships have been captured "by privateers fitted in the United States, manned by American crews, and commanded by American captains, though under insurgent colors."

In October of the same year the Portuguese envoy complains that the Portuguese prize is fitting in the Patuxent to cruise against Portuguese commerce.

In November of the same year the Portuguese minister states to Mr. Adams that, obliged by his duty to inquire into the nature of the armed ships that had of late insulted the flag of his sovereign, and committed incalculable depredations on the property of his subjects, he had found, to his sorrow, multiplied proofs that many of them were owned by citizens of the United States, and had been fitted in the ports of the Union. He goes on to complain of the difficulties in the way of prosecutions, but compliments the President on his "honorable earnestness."

In December of the same year the Portuguese minister complains of the armed vessel "Irresistible," which had been committing "depredations and unwarrantable outrages on the coast of Brazil." He says, it is proved by depositions that John Daniels, the commander of the ship, is an American, and all the crew are Americans. He prays that if the ship should come into an American port, means may be taken to bring the said captain and crew within reach of the laws made to punish such scandalous proceedings.

In March, 1819, M. Correa de Serra states, as minister of his sovereign, that Artigas, whose flag is frequently waving in the port of Baltimore, and which is carried by Portuguese prizes in the ports of the Union, has been expelled far from the countries which could afford him the power of navigating, and has not a foot-length of sea-shore in South America where he can show himself. He prays that the Artigan flag may be declared illegal.

In November, 1819, after expressing his gratitude for the proceedings of the executive, the same minister complains that the evil is rather increasing. He is in possession of "a list of fifty Portuguese ships, almost all richly laden, some of them East Indiamen, which had been captured during a period of profound peace. One city alone on the coast of the United States had twenty-six armed ships which preyed on Portuguese commerce, and a week ago three armed ships of this kind were in that port waiting for a favorable occasion for sailing on a cruise."

In June, 1820, the Portuguese minister complains that a Portuguese prize had been sold by auction at Baltimore to Captain Chase, (a notorious privateersman,) and was to be immediately fitted out as a privateer to cruize against the Portuguese Indiamen.

In July of the same year, the Portuguese minister sends a list of "the names and value of nineteen Portuguese ships and their cargoes, taken by *private armed ships, fitted in the ports of the Union by citizens of those States.*" His sovereign wishes the affair to be treated with that candor and conciliating dignified spirit which becomes two powers who feel a mutual esteem, and have a proper sense of their moral integrity. "In this spirit I have the honor to propose to this government to appoint commissioners on their side, with full powers to confer and agree with his Majesty's ministers on what reason and justice demand."

In December, 1820, the Chevalier Amado Grehon transmitted to Mr. Adams a copy of twelve claims, with the value of the ships, desiring him to add them to the list furnished by the Chevalier Correa de Serra.

In April, 1822, the same minister repeats the proposal made in July, 1820, "of having recourse to commissaries chosen by both governments for the purpose of arranging the indemnities justly due to Portuguese citizens for the damage which they have sustained by reason of piracies supported by the capital and the means of citizens of the United States; on essential condition which, in this way repairing the past, secures also the future."

On the 25th of May, 1850, the chargé d'affaires of Portugal, writing to the Secretary of State of the United States, declares, "The undersigned is authorized to come to an understanding with the new Secretary of State upon the subject, and to submit the voluminous documents and papers in his possession to the joint examination and decision of the commissioners or arbitrators appointed by the American government on the one part, and the undersigned on behalf of her Majesty's government on the other," &c.

Having thus related the complaints of the Portuguese government during the years which elapsed from 1816 to 1822, and from 1822 to 1850, I will now give from the organs of the United States the answers which that government gave to these solemn and reiterated complaints.

In March, 1817, the Secretary of State transmitted to the Portuguese minister at Washington an act of Congress passed on the 3d of that month to preserve more effectually the neutral relations of the United States. On the 14th of March, 1818, in answer to a letter complaining of the capture of three Portuguese ships by privateers, Mr. Adams says:

"The government of the United States having used all the means in its power to prevent the fitting out and arming of vessels in their ports to cruise against any nation with whom they are at peace, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and pacific obligations of this Union, cannot consider itself bound to indemnify individual foreigners for losses by captures, over which the United States have neither control nor jurisdiction. For such events no nation can in principle, nor does in practice, hold itself responsible. A decisive reason for this, if there were no other, is the inability to provide a tribunal before which the facts can be proved.

"The documents to which you refer must of course be ex parte statements, which in Portugal or in Brazil, as well as in this country, could only serve as a foundation for actions in damages, or for the prosecution and trial of the persons supposed to have committed the depredations and outrages alleged in them. Should the parties come within the jurisdiction of the United States, there are courts of admiralty competent to ascertain the facts upon litigation between them, to punish the outrages which may be duly proved, and to restore the property to its rightful owners should it also be brought within our jurisdiction, and found, upon judicial inquiry, to have been taken in the manner represented by your letter. By the universal law of nations the obligations of the American government extend no further."

The Secretary of State in subsequent letters promises to prosecute in the United States courts persons chargeable with violation of the laws of the United States in fitting out and arming a vessel within the United States for the purpose of cruising against the subjects of the Queen of Portugal.

To the proposal to appoint commissioners made in July, 1820, the United States Secretary of State, on the 30th of September of the same year, replies as follows:

"The proposal contained in your note of the 16th of July last has been considered by the President of the United States with all the deliberation due to the friendly relations subsisting between the United States and Portugal, and with the disposition to manifest the undeviating principle of justice by which this government is animated in its intercourse with all foreign governments, and particularly with yours. I am directed by him to inform you that the appointment of commissioners to confer and agree with the ministers of his Most Faithful Majesty upon the subject to which your letter relates, would not be consistent either with the Constitution of the United States, *nor with any practice usual among civilized nations.*"

He proceeds to say:

"If any Portuguese subject has suffered wrong by the act of any citizen of the United States, within their jurisdiction, it is before those tribunals that the remedy is to be sought and obtained. For any acts of citizens of the United States, committed out of their jurisdiction and beyond their control, the government of the United States is not responsible.

"To the war in South America, to which Portugal has for several years been a party, the duty and the policy of the United States has been to observe a perfect and impartial neutrality."

The same reply is again given to Chevalier Amado Grehon in a letter dated 30th of April, 1822:

"I am at the same time directed to state, that the proposition of the Chevalier Correa de Serra, in his note of the 16th of July, 1820, for the appointment of commissaries chosen by both governments to arrange indemnities claimed by Portuguese citizens for damages stated by them to have been sustained by reason of piracies supported by the capital and means of citizens of the United States, cannot be acceded to. It is a principle well known and well understood that no nation is responsible to another for the acts of its citizens, committed without its jurisdiction and out of the reach of its control."

The policy of the United States is further explained in a despatch of Mr. Secretary Adams to General Dearborn, dated the 25th of June, 1822. It is there set forth, that in the critical state of the relations of the two countries, it is necessary to employ the agency of a person fully qualified to represent the interests of the United States. It is affirmed, that whenever Portuguese captured vessels have been brought within the jurisdiction of the United States, decrees of restitution have been pronounced.

In referring, however, to the lists of captures, and the demand of a joint commission to determine and assess the damages to be paid by the United States, the former refusal was thus repeated: "As there was no precedent for the appointment of such a commission under such circumstances, and as not a single capture had been alleged for which the United States were justly responsible, this proposal was of course denied; and nothing further was heard upon the subject until the 1st of April last, when a note was received from the present chargé d'affaires of Portugal, leading to a correspondence, copies of which are now furnished you."

The correspondence seems not to have been resumed till 1850, when, as has been shown, the demand for a commission was repeated.

The Secretary of State of the United States thereupon gave this summary and final answer, dated May 30, 1850:

"The undersigned is surprised at the reappearance of these obsolete reclamations, accom-

panied by the renewal of the ancient proposition to appoint a joint commission to determine and assess damages, a proposition which was rejected at the time upon substantial grounds: and without the minister's assurance to that effect, the undersigned would not have supposed it credible that Portugal seriously cherished any intention to revive them. In reply, therefore, to the note which the minister of her Most Faithful Majesty has presented in the name of his government, the undersigned must now, by the President's order, inform him that he declines re-opening the proffered discussion."

This despatch is signed "John M. Clayton."

A long and able despatch of the Portuguese minister at Washington, recapitulating all the grievances of Portugal, dated November 7, 1850, does not appear to have received an answer.

The practice of the United States courts during this war of South American colonies against Spain and Portugal seems to have been confined to the restitution of prizes actually brought into the ports of the United States. The doctrine of the courts of justice upon the subject was thus laid down by Justice Story, in pronouncing the decision of the Supreme Court in the case of the "Amistad de Rues," (5 Wheaton, p. 388.) Speaking of the cases of damages, he says: "When called upon by either of the belligerents *to act in such cases, all that justice seems to require is that the neutral nation shall fairly execute its own laws, and give no asylum to the property unjustly captured. It is bound, therefore, to restore the property if found within its ports; but beyond this, it is not obliged to interpose between the belligerents.* If, indeed, it were otherwise, there would be no end to the difficulties and embarrassments of neutral prize tribunals. They would be compelled to decide in every variety of shape upon marine trespasses, *in rem* and *in personam*, between belligerents, without possessing adequate means of ascertaining the real facts, or of compelling the attendance of foreign witnesses, and thus they would draw within their jurisdiction almost every incident of prize. Such a course of things would necessarily create irritations and animosities, and very soon embroil neutral nations in all the controversies and hostilities of the conflicting parties. Considerations of public policy come, therefore, in aid of what we consider the law of nations on this subject; and we may add that Congress, in its legislation, has never passed the limit that is here marked out."

To the same effect is the doctrine laid down by the Supreme Court in the case of the brig Alerta:*

"A neutral nation may, if so disposed, without a breach of her neutral character, grant permission to both belligerents to equip their vessels-of-war within her territory. But without such permission the subjects of such belligerent powers have no right to equip vessels-of-war or to increase or augment their forces, either with arms or with men, within the territory of such neutral nation. Such unauthorized acts violate her sovereignty and her rights as a neutral. All captures made by means of such equipments are illegal in relation to such nation, and it is competent to her courts to punish the offenders, and, in case the prizes taken by her are brought *infra præsidia*, to order them to be restored."

In comparing the course pursued by the government and Congress of the United States in the case of the South American civil war, with that pursued by her Majesty's government in the case of the North American civil war, the following differences are perceptible:

The number of vessels built and fitted out in American ports, which successfully evaded the provisions of the laws made to restrain them, and proceeded to cruise against Portuguese commerce, was very great; those which escaped the execution of the similar laws of Great Britain were very few. In the former case these illegal cruisers must have been thirty or forty; in the latter, three or four.

In the case of the South American civil war the cruisers in question were generally commanded by citizens of the United States, and navigated by crews of the neutral nation; in the case of the North American civil war no English captain appears to have commanded a cruiser, and the crews were generally, though not altogether, from the States in insurrection.

But there is one essential point on which the United States and Great Britain appear entirely to agree. The United States, when neutral, refused to be responsible for captures at sea not brought within their jurisdiction, or to listen to a proposal to appoint a commission to assess damages; the government of the United Kingdom have taken a similar course.

It is true that in applying the principle there has been a divergency of practice. The United States admitted the prizes to their harbors, but restored them, if practicable, when called upon by the decrees of courts of law, to their owners. The government of Great Britain refused admission altogether to such prizes.

The principle is the same, and it is hardly worth while to dispute which course was most inconvenient to the insurgent cruisers. It appears to me, I confess, that the course pursued by her Majesty's government tended more effectually to discourage insurgent cruisers than that pursued by the United States.

But as to the principle involved, let me ask you, supposing a merchant or passenger vessel belonging to the United States were to go to the coast of Madagascar, and were there to meet a ship from Boston with cannon and muskets, and the merchant ship, being then armed, were to take part against Brazil in the war between Brazil and Paraguay; let me ask, I say, whether your government would think themselves bound to afford reparation to Brazil for all the captures made by that ship? Yet such is the case of the Shenandoah.

* Curtis's "Reports," vol 3, p. 392

It seems to her Majesty's government that if the liability of neutral nations were stretched thus far, this pretension, new to the law of nations, would be most burdensome and, indeed, most dangerous.

A maritime nation, whose people occupy themselves in constructing ships and cannon and arms, might be made responsible for the whole damages of a war in which that nation had taken no part. I am thankful, therefore, to Mr. Adams for having in 1818, 1820, and 1822 shielded maritime powers, by his conclusive argument, from such alarming liabilities.

You say, indeed, that the government of the United States altered the law at the urgent request of the Portuguese minister. But you forget that the law thus altered was the law of 1794, and that the law of 1818 then adopted was, in fact, so far as it was considered applicable to the circumstances and institutions of this country, the model of our foreign enlistment act of 1819.

Surely, then, it is not enough to say that your government, at the request of Portugal, induced Congress to provide a new and more stringent law for the purpose of preventing depredations, if Great Britain has already such a law. Had the law of the United States of 1818 not been already, in its main provisions, adopted by our legislature, you might reasonably have asked us to make a new law; but surely we are not bound to go on making new laws, *ad infinitum*, because new occasions arise.

The fact is, this question of a new law was frequently discussed, but the conclusion arrived at was, that, unless the existing law after a sufficient trial should be proved to be practically inadequate, the object in view would not be promoted by any attempt at new legislation. The existing law has, in fact, not proved inadequate, when circumstances of strong suspicion have been so far established as to justify the government in ordering the detention of the suspected vessels, and it is by no means certain that any possible alteration of the law would enable more to be done in the way of prevention than this. That power was exercised in the case of the rams in the Mersey, and of the Canton or Pampero in the Clyde, and in neither case has the power exercised been censured or revoked either in a court of law or by any vote of Parliament.

If it be said, as some persons of high authority in Parliament have said, that the executive government of the United Kingdom exercised in these cases an illegal power, my answer is, that whatever force such an argument might have in a court of law or in Parliament, it can have none in the mouth of a Secretary of State of the United States. For whether exercised legally or illegally, the power was equally effective in protecting the commerce and the harbors of the United States against ships built and equipped in British ports.

With respect to orders to refuse entrance into our ports to all ships partly fitted up in the United Kingdom for the service of the confederates, there was extreme difficulty in giving any such orders.

During the South American civil war it was found practicable to bring to New York or Boston witnesses to prove that a South American cruiser had been built and armed in Baltimore. But to carry witnesses from Liverpool to Nassau or Jamaica to prove the building of the Alabama at Birkenhead would have been a fruitless effort.

To produce copy of a conviction of the Alabama was impossible, as she had escaped conviction by flight; to carry witnesses to the Cape of Good Hope, to Melbourne, and elsewhere, for the purpose of showing that her owners had violated the foreign enlistment act, was equally out of the question. No less impracticable would it have been to say to our governors, "you may admit the Alabama, you may admit the Stonewall, but you must not admit the Florida."

In your letter of the 23d of October, 1863, you were pleased to say that the government of the United States is ready to agree to any form of arbitration. Her Majesty's government have thus been led to consider what question could be put to any sovereign or state to whom this very great power should be assigned.

It appears to her Majesty's government that there are but two questions by which the claim of compensation could be tested. The one is: Have the British government acted with due diligence, or, in other words, with good faith and honesty, in the maintenance of the neutrality they proclaimed? The other is: Have the law officers of the Crown properly understood the foreign enlistment act when they declined, in June, 1862, to advise the detention and seizure of the Alabama, and on other occasions when they were asked to detain other ships building or fitting in British ports? It appears to her Majesty's government that neither of these questions could be put to a foreign government with any regard to the dignity and character of the British Crown and the British nation.

Her Majesty's government are the sole guardians of their own honor. They cannot admit that they may have acted with bad faith in maintaining the neutrality they professed. The law officers of the Crown must be held to be better interpreters of a British statute than any foreign government can be presumed to be. Her Majesty's government must, therefore, decline either to make reparation and compensation for the captures made by the Alabama, or to refer the question to any foreign state. Her Majesty's government conceive that if they were to act otherwise they would endanger the position of neutrals in all future wars. Her Majesty's government are, however, ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war, which the two powers shall agree to refer to the commissioners.

I cannot conclude without taking this opportunity to ask you to join with her Majesty's government in rejoicing that the war has ended without any rupture between the two nations which ought to be connected by the closest bonds of amity. The government of the United States have carried on to a successful issue, with great fortitude and perseverance, a civil war of unequalled magnitude. In the course of this war they have resolved to abolish slavery. The British nation have always entertained, and still entertain, the deepest abhorrence of laws by which men of one color were made slaves of men of another color. The efforts by which the United States government and Congress have shaken off slavery have, therefore, the warmest sympathies of the people of these kingdoms. The same sympathies will accompany the President and Congress of the United States in endeavoring to reorganize the southern States on the basis of equal freedom. Nor is there any question in dispute which seems likely to disturb the friendship of two nations which, one in Europe and the other in America, are distinguished for their love of liberty. Let our two nations, therefore, instead of captious discussions, respect the honor and believe in the friendly intentions of each other. In this manner we may preserve unbroken the ties of peace, and exercise a beneficial influence on the future destinies of the nations of the world.

I am, &c.,

RUSSELL.

Mr. Adams to Earl Russell.—(Received September 19.)

[Confidential.]

LEGATION OF THE UNITED STATES,
London, September 18, 1865.

MY LORD: I have had the honor to receive your note of the 30th of last month, in reply to mine of the 20th of May last.

It gives me great satisfaction to be the medium of communicating to my government the very friendly assurances of your lordship. I cannot entertain a doubt that they will be fully appreciated.

In respect to the reference which you have done me the honor to make to me, as having at no time entertained a doubt of the intentions of her Majesty's ministers to maintain amicable relations with my government during the late severe struggle in my country, I am happy to believe that your lordship has not essentially misunderstood my sentiments. At the same time that I cheerfully confirm such declarations as may have been made by me on that subject in the correspondence I have heretofore had the honor to hold with your lordship, I trust I may be permitted to claim, on behalf of my own government, the credit of intentions to the full as amicable. Indeed, without the presence of these elements on both sides, I should have despaired of the possibility of the passage of the two nations in safety through the difficulties presented to them from within as well as from without.

But whilst I am prompt to respond to your lordship in the sense attributed to me, I pray permission to guard myself against an inference that might by possibility be drawn from a portion of your language, prejudicial to my maintenance of the course which my government has seen fit to take in regard to the events which have given rise to the present discussion. Whilst doing the fullest justice to the intentions of her Majesty's ministers, I feel equally bound to preclude the supposition that I have ever been satisfied with the measure in which, on too many occasions, they have contented themselves with carrying those intentions into practice. Inasmuch as the relations between nations, not less than between individuals, must depend upon the mode in which they fulfil their obligations towards each other rather than upon their motives, the questions which have grown out of the events of the late war appear to lose little of their gravity from any reciprocal disavowal, however complete, of ill will on the part of the respective governments.

I am happy to concur with your lordship in the opinion that this appears to be a favorable moment for a calm and candid examination of these questions.

Were it not for this consideration I should abstain from further discussion, and content myself with simply transmitting to my government the conclusion to which her Majesty's ministers have arrived, as communicated to me towards the close of your lordship's note.

But entertaining as I do a strong impression that in the matter now at issue is involved a question of international comity, based upon grave principles of morals, of universal application, the decision upon which is likely to have a very wide bearing upon the future relations of all civilized nations, and especially those most frequenting the high seas, I feel myself under the necessity of placing upon record the views of it held by the government which I have the honor to represent, at least to the extent to which the period of my service at this post has enabled me to do them but feeble justice.

In the note which I had the honor to address to your lordship on the 20th of May last, when recapitulating, in the form of propositions, the argument which made the basis of certain reclamations upon her Majesty's government, I submitted, first of all, "that the act of recognition by her Majesty's government of insurgents as belligerents on the high seas, before they had a single vessel afloat, was precipitate and unprecedented."

To this affirmation I undertand your lordship now to reply, by candidly admitting the truth of at least one-half of it. In pleading in justification that the insurrection which caused it was unprecedented, you certainly concede that the recognition was so likewise.

It may then be hereafter assumed, as a fact beyond dispute, that no similar act was ever done by one nation towards another with which it was in amity.

With regard to the other term which I took the liberty to use, the word "precipitate," I beg leave to call your lordship's attention to the ground upon which you proceed to justify the act of recognition. You are pleased to observe that it "followed and did not precede our own declaration of the intended blockade of six or seven considerable ports, and the declaration of an intention on the part of the confederates to issue letters of marque."

Now, I pray you particularly to note that, if this be the whole case made, your lordship has gone the length of conceding that her Majesty's government actually adopted this most grave proceeding without the evidence in its possession of any fact whatever upon which to rest it. The statement is simply that a declaration of intention to act had been made by the respective parties preparing for a struggle.

Hence I feel constrained respectfully to submit it to your lordship whether in the history of civilized nations there can be found a single instance in which a step of such importance was ever taken by one friendly government in regard to another, upon a mere presumption of what was going to be done—an assumption of certain acts contemplated, but not performed. It would appear to be the part of calm statesmanship, in cases which cannot fail deeply to affect the interests of a friendly nation, to postpone acting at least until something shall have been actually done to require it. In this instance, there was no certainty, at the time when her Majesty's government acted, that either of those declarations of intention would be fulfilled. The result proves that one of them, in point of fact, never was executed. Neither is it at all beyond the possibility of belief that the other would have been equally left incomplete, but for this very action of her Majesty's government, which precluded all chance of avoiding to have recourse to it. The actual blockade, then, so far from being a cause, became actually an inevitable consequence of its policy. With the reluctance of my government to resort to that measure, and the causes which overcame it, your lordship must have been too fully acquainted at the time to render it necessary for me to dwell upon this matter further.

As a still stronger proof of the precipitate nature of that declaration, if any were needed, I pray permission only to refer to your published letter to Lord Lyons, written on the very day the announcement of the step taken by the government was made by yourself in the House of Commons, the 6th of May, 1861. In that letter your lordship freely admits that, by reason of the interruption of the communication between New York and Washington, you had not then any information of the precise measures actually taken down to that moment by either of the parties in the struggle "which appeared to have commenced."

Yet in spite of these circumstances, which deprived her Majesty's government of all accurate knowledge of the facts, and notwithstanding that there was no apparent cause in any event that had occurred, urgently demanding an immediate decision, it was determined to adopt this step at this time; a step which, however intended, could not, just at the beginning of an undertaking to sap by violence the established authority of a friendly power, fail to have an influence injurious to the maintenance of that authority and favorable to its overthrow. Considering the nature of the friendly intentions which your lordship is pleased to take credit for, and in which I fully believe, the very best excuse which I can imagine for this proceeding is that it was precipitate. I should be sorry to be led to the natural inference that would follow my admitting it to have been done with deliberate premeditation. I therefore must respectfully persist, notwithstanding your lordship's reluctance, in the opinion that I have not failed to give it the epithet which most fittingly belongs to it.

But your lordship in your note is pleased to justify this extraordinary "unprecedented and precipitate" step on another ground. This is the "magnitude" of the appearance of the insurrection. This certainly corresponds with my impression of the reasoning which you assign to me in the first conversation which I had the honor to hold with you after my arrival in this country, the 18th of May, 1861. This view is now amplified in the form of the propositions numbers one and two with which your lordship has now favored me:

"1. That the history of modern nations affords no example of an insurrection against a central government so widely extended, so immediate in its operation, so well and so long prepared, so soon and so completely furnished with the machinery of civil government—a national representation, generals and officers of high military reputation, armies fully equipped, and fortifications recently in possession of the established government.

"2. That intelligence reached her Majesty's government in the spring of 1861, that seven combined States had declared in favor of this insurrection; that three more States, including the great and powerful State of Virginia, were preparing to join them; that these States commanded upwards of 3,000 miles of sea-coast; that they comprised more than 5,000,000 of people, exclusive of the negro slaves; that the President of the insurgent government had proclaimed his intention of issuing letters of marque and reprisal; that the President of the United States, on the other hand, had proclaimed his intention to establish a blockade of all the ports of the southern States; and that in these circumstances the commander of her Majesty's naval forces on the North American station earnestly solicited instructions for his guidance."

In respect to this, may I be permitted to beg your attention to the fact that, with perhaps the exception of the gross number of the people engaged, I do think myself able to furnish an example of an insurrection in every particular corresponding to your description, which has occurred within the last century. I do not doubt that my allusion will at once be understood by your lordship without another word.

Yet, notwithstanding all the points of identity in that case, I cannot find that her Majesty's government was met at the outset, in 1774, with any announcement, by a foreign power in amity with Great Britain, of a necessity immediately to recognize the insurgents as a belligerent power, because of the magnitude of the struggle, or for any other cause. Neither is there the smallest ground for believing that it would have tolerated the proceeding for one moment, if it had been.

Her Majesty's government at once resorted without scruple or hesitation to every right ordinarily exercised by a belligerent in a war with a strong power, and was met with a degree of resistance more effective and enduring than any manifested in the late struggle. That resistance too was carried out on the ocean, where alone the interests of distant neutral states are liable to be seriously affected by the domestic strife of any nation, in a manner far more extensive than the late insurgents by their unaided efforts ever could have attempted. Yet a length of time elapsed before any foreign power, however much inclined, ventured to find in this state of things any reason for considering the people waging such a war as a belligerent power. It furthermore is certain, that if at any time the smallest indication of a leaning that way manifested itself in any of the commercial powers, it was immediately noted by the British government for remonstrance and reclamation.

Your lordship has been pleased to review the conduct of France in this emergency, and to endeavor to set aside the parallel which I attempted in my note, on the ground that that country was animated by a policy decidedly hostile to Great Britain. The fact is doubtless so. But it so happens that this only bears with the more force in my favor on the present argument Had France, being inclined to injure Great Britain, decided to recognize the insurgents as a belligerent, it would, according to the doctrine now avowed by her Majesty's government, have been doing no more than was absolutely necessary and altogether justifiable. Why did it not take this step at once? Unhappily for the example, Great Britain at the outset insisted upon considering her as a friendly power, and called upon her solemnly to desist from any attempt whatever to recognize the presence of the insurgent force. In proof of this, I beg permission to quote a brief extract from an historical writer well known to have drawn his statements from official sources. Mr. Adolphus says, that in April, 1775, that is, one year after the outbreak of the insurrection, "the friendly disposition of the French government towards Great Britain has been unequivocally demonstrated; and the expectation that succor would be afforded to the Americans was suppressed by an edict prohibiting all intercourse with them."

It thus appears, that no idea was at that early period entertained by the British authorities of any unfriendly disposition on the part of France. So far from being inclined, as your lordship supposes it might have been, to give aid to the insurrection, which since 1774 had been developing its great proportions, by any recognition of it as a belligerent, the French sovereign frankly responded to an appeal made by Great Britain, by interdicting his people from all relations whatever with the Americans. In other words, the example shows that, on both sides, there was not the remotest conception that a recognition of insurgents as a belligerent, immediately upon the breaking out of the insurrection, could be considered as a justifiable act on the part of a friendly power.

This brings me to the point at which I am compelled to question the soundness of the proposition upon which your lordship appears to proceed, to wit: that the action of foreign countries in reference to an insurrection that may take place against the established government of a friendly power is to be regulated by a consideration of the magnitude of the numbers that are engaged in the struggle. To my mind there is a difficulty in finding a foundation in sound principles for drawing such a distinction. If I may be permitted to express my own impression, it is that this action of foreign governments, if presumed to be really friendly, is rather to be based upon something like the same rule which they, whether representing large or small communities, would desire to be applied to themselves when in similar circumstances. The true criterion by which to be guided appears to be rather framed by patient observation of the probabilities of the issue. This can rarely be foreseen at the outset. It is not dependent on the mere accident of numbers. The force which lately overturned the government at Naples did not seem adequate to the object; yet it was accomplished nevertheless, and foreign nations, consequently, recognized the result.

On the other hand, the numerical force enlisted in the insurrection in the United States seemed large, but time has shown that there never was a moment, whilst it lasted, that it had a chance of success against the resolute perseverance of a far stronger antagonist. For a foreign nation to have recognized in advance the handful of followers under the lead of General Garibaldi as a belligerent power would have been everywhere regarded as a violation of comity to the sovereign then ruling at Naples, and interfering to uphold an otherwise desperate undertaking. Yet the new kingdom of Italy was the offspring of this enterprise. On the other hand, the attempt in advance to assume the unlikelihood that the legitimate authorities in the United States would sustain themselves, purely because of the

magnitude of the forces levied against them, and to make this reason a basis for an "unprecedented and precipitate" act, investing them with the rights of a belligerent all over the world, has ended only in furnishing a historical precedent, against the authority of which I cannot but feel it to be for the peace and the harmony of civilized nations, for all later times, most earnestly to protest.

If I am correct in this view, then the conclusion which I find true international comity to prompt is this: whenever an insurrection against the established government of a country takes place, the duty of governments under obligations to maintain peace and friendship with it appears to be at first to abstain carefully from any step that may have the smallest influence in affecting the result. Whenever facts occur of which it is necessary to take notice, either because they involve a necessity of protecting personal interests at home, or avoiding an implication in the struggle, then it appears to be just and right to provide for the emergency by specific measures, precisely to the extent that may be required, but no further. It is, then, facts alone, and not appearances or presumptions, that justify action. But even these are not to be dealt with further than the occasion demands; a rigid neutrality in whatever may be done is of course understood. If, after the lapse of a reasonable period, there be little prospect of a termination of the struggle, especially if this be carried on upon the ocean, a recognition of the parties as belligerents appears to be justifiable; and at that time, so far as I can ascertain, such a step has never, in fact, been objected to. Lastly, when the evidence sustains a belief that the established government has utterly lost the power of control over the resistance made, without probability of recovery, it is competent for any friendly government to recognize the insurgent force as an independent power without giving it just cause of offence.

Such appears to me to have been the course rigidly adhered to by the government which I have the honor to represent in the long struggle that took place between Spain and her colonies in South America. On which side of it the sympathies of the people were cannot admit of a doubt. Yet the respective dates which your lordship has been kind enough to search out and record in your note sufficiently establishes the fact how carefully all precipitation was avoided in judging of the issue in regard to the mother country. I may, perhaps, be permitted to observe that the action of her Majesty's government in the same cases furnishes even stronger precedents to confirm the soundness of my views. Its recognition of belligerency in these instances cannot be considered as suitably described by either term, "unprecedented" or "precipitate."

I have dwelt at some length upon this original point of difference between the two countries, because it has ever seemed to me the fruitful parent of all the subsequent difficulties—the nurse of a very large share of ill feeling which I cannot deny now to prevail among my countrymen. How much stress has been laid upon it by my government, and how ably Mr. Seward, to whom your lordship has so kindly paid so grateful a compliment, has heretofore applied what you justly term "his remarkable powers of mind" to it, I am sure I need not remind you. In my note of the 20th of May I endeavored to arrange in a logical sequence of distinct propositions the effects which followed this as the first step, and which have led to the reclamations I have been constrained by my instructions to present. I do not propose at this time to dwell upon them further. I will only pray you to excuse the earnestness with which I venture to give expression to my views, under the plea of my belief that upon a correct decision in this controversy may depend the security which the commerce of belligerents will hereafter enjoy on the high seas against the hazard of being swept from them through the acts of nations professing to be neutral, and bound to be friendly.

For if it be once fairly established as a principle of the international code that a neutral power is the sole judge of the degree to which it has done its duty under a code of its own making for the prevention of gross and flagrant outrages, initiated in its own ports by the agents of one belligerent in co-operation with numbers of its own subjects and perpetrated upon the commerce of the other on the high seas; if it be conceded that the neutral, upon reclamation made for the injuries thus done by reason of the manifest inefficacy of its means of repression, which it has at all times the power to improve at will, can deliberately decline to respond to any such appeal, fall back upon the little that it has attempted as an excuse, and thenceforward claim with justice to be released from the inevitable consequences that must ensue from its inaction, then it must surely follow that the only competition between neutral powers hereafter will be, not which shall do the most, but which shall do the least to fulfil its obligations of interdiction of the industry and enterprise of its people in promoting the conflicts that take place between belligerents on the ocean. If this be once recognized as good law through the authority which the powerful influence of her Majesty's government can attach to it, I dare not venture to foresee how much reluctance there may be on the part of the people whom I have the honor to represent to accept and act upon it. Hitherto a want of eagerness on the part of the most adventurous and least scrupulous portion of them to promote enterprise on behalf of any belligerent that promised personal advantage cannot be charged upon them. The references made by your lordship to the cases of Spain and Portugal must have convinced you of this truth. The prospect of impunity in such enterprises is all that is needed. Further than this, I might only venture to suggest to your lordship to consider which of the nations of the world presents on every sea around the globe the most tempting prizes, in an event no friend would more deplore than myself, of its being again, as it has so often been heretofore, doomed to be afflicted by the calamities of a war.

It does so happen, however, that no doctrine of this kind has yet been accepted as legitimate by the government which I represent. On the contrary, it has ever assumed the painful and difficult task of responding to the just appeals of foreign friendly nations for protection against such enterprises. Whenever representations have been made by their agents measures have been promptly taken to enforce the laws; and when the issue proved the inefficiency of the existing statutes, the duty of further legislation has been promptly recognized. This appears to me to constitute the full obligation of a neutral. Singularly enough, this course was taken in at least three instances, on the representations made by authority of her Majesty's government. I allude to the first law passed in 1794, in consequence of the complaints and at the special instance of Mr. Hammond, and to another in 1797. Your lordship appears to me but partially to state what was done when you dwell only on the compensation actually made for the cases in which there had been a failure to act. These laws were enacted to provide a better preventive process in all future cases, mainly for the protection of British commerce. The third example was the law of 1838, which was the remedy applied to excesses committed on the boundary of the British provinces in Canada by persons in the United States whom the existing statutes were found not effective to restrain or punish.

Thus it was, too, in the case of Portugal, to which your lordship is pleased once more to call my attention. And here I must ask permission to restate my view of the matter, which seems to have failed to be fully considered by your lordship. I certainly understood you to introduce the case in the correspondence as going to show this: that the government of the United States had set a precedent of disavowing further responsibility in cases of reclamations for injuries committed on the high seas by outfits made in despite of them in their ports against the commerce of Portugal which the existing law had proved on trial ineffective to prevent or punish. This is the precise position which I understand her Majesty's government to assume. Hence the value of the example as a personal argument in the present instance.

In opposition to this view, it has been my purpose, by appealing to the facts in the case, to show that the government had at once recognized the validity of the remonstrances of Portugal by first resorting to the laws already provided to meet the case by appeal to the courts, and next by promptly responding to the later demand of the same nation for more effectual modes of restraint than those which experience had shown to be ineffectual. To meet this demand a new law more particularly addressed to the object of prevention had been enacted, the efficacy of which proved so considerable as actually to elicit from the remonstrating party repeated expressions of his satisfaction with it. It does not appear that any further security was ever asked than this. The government had done everything that could be reasonably required. It was, therefore, discharged from responsibility.

There were, indeed, subsequent cases of wrongful outfits and captures, of which your lordship has taken note. But, in reply to the remonstrances that followed, the answer was prompt that they no longer raised questions that called for the interposition of the executive department. Its whole duty had been performed. The true remedy was now open by an appeal to the courts. The language of Mr. Adams, in reply to M. Correa de Serra, a portion of which only I perceive has been introduced in your lordship's note, goes directly to this point. I pray permission to supply it in the following extract:

"The government of the United States has neither countenanced nor permitted any violation of that neutrality by their citizens. They have by various and successive acts of legislature manifested their constant earnestness to fulfil their duties towards all the parties to that war; they have repressed every intended violation of them which has been brought before their courts, and substantiated by testimony conformable to principles recognized by all tribunals of similar jurisdiction."

Your lordship, in reading this passage, could hardly have failed to feel the force of the successive affirmations of facts which form the grounds of the plea that all the obligations imposed upon a neutral power in such cases had been fulfilled.

The fact in the case was that M. Correa de Serra, in his representations, had begun to change his grounds of complaint, and direct his charges against the administration of justice in the courts. This was a position obviously untenable. Much and sorely as I have felt at times the little chance that the United States has stood of receiving impartial justice in her Majesty's courts, I have never received from my government any instructions which did not fully recognize the impropriety of raising a question in regard to their decisions. This makes no part whatever of the grounds upon which I am instructed to make these reclamations. The question has never been as to what the judicial tribunals have done or failed to do. It turns exclusively upon the duties of a neutral government to perform its obligations to a friendly power by a prompt and energetic policy of repression of flagrant wrongs through existing means, and, in the event of a failure of those means, by the adoption of others which it was entirely within its power to supply, if so disposed. The responsibility entailed upon her Majesty's government in the present instance has always seemed to me to grow out of the feebleness of its measures of prevention at the outset, and its deliberate refusal to obtain an enlargement of its powers after existing remedies had proved unavailing.

With respect to that portion of your lordship's note which appears to defend the existing legislation as having really proved adequate, I beg leave only to remark that it is sufficiently answered by the fact that you proceed to specify in proof of it mainly those cases in

which her Majesty's government is admitted to have taken a responsibility of action beyond the law. Whilst I have been always ready to bear testimony to the eminent utility of the action for which your lordship appears to have assumed a grave responsibility, I am at a loss to perceive how this diminishes the force of the reasoning which would seek from the legitimate protection of the law of the land that performance of obligations which appears now to depend only on the courage of the minister to transcend its limits.

And here I must pray permission to dwell a moment upon one passage of your lordship's note which has excited a strong sense of surprise, not to say astonishment. In order that I may by no possibility be guilty of any misconstruction of the meaning of the language, I take the liberty, with your permission, to transfer the very words. They are these:

"You say, indeed, that the government of the United States altered the law at the urgent request of the Portuguese minister.

"But you forget that the law thus altered was the law of 1794, and that the law of 1818 then adopted was, in fact, so far as it was considered applicable to the circumstances and institutions of this country, the model of our foreign enlistment act of 1819.

"Surely, then, it is not enough to say that your government, at the request of Portugal, induced Congress to provide a new and more stringent law for the purpose of preventing depredations, if Great Britain has already such a law. Had the law of the United States of 1818 not been already in its main provisions adopted by our legislature, you might reasonably have asked us to make a new law; but surely we are not bound to go on making new laws *ad infinitum* because new occasions arise."

If I do not rightly comprehend the sense of your lordship, I pray to be corrected when I assume it to be that an argument drawn from the precedent of the course of my government in enacting a new law to meet the remonstrance of the Portuguese minister has no force in supporting the representation I make in the present instance, because these very provisions of American legislation have been already long since substantially adopted by Great Britain in the enlistment act, the very act which is now complained of as ineffective. In other words, your lordship appears to take it for granted that Great Britain, having already passed a law as stringent and effective as that of the United States, is therefore justified in declining any proposal to go on amending it.

If this be in verity your position, I must pray your pardon if I hazard the remark, in reply, that you cannot have given to the respective statutes in question the benefit of that careful collation which the occasion would seem to require. If you had done so, you must have noticed that, in point of fact, they are materially unlike. The British law is, as your lordship states, a re-enactment of that of the United States; but it does not adopt all of "its main provisions," as you seem to suppose. Singularly enough, it entirely omits those very same sections which were originally enacted in 1817 as a temporary law on the complaint of the Portuguese minister, and were made permanent in that of 1818. It is in these very sections that our experience has shown us to reside the best preventive force in the whole law. I do not doubt, as I had the honor to remark in my former note, that, if they had been also incorporated into the British statutes, a large portion of the undertakings of which my government so justly complains would either have never been commenced, or, if commenced, would never have been executed. Surely it was not from any fault of the United States that these effective provisions of their own law failed to find a place in the corresponding legislation of Great Britain. But the occasion having arisen when the absence of some similar security was felt by the government to be productive of the most injurious effects, I cannot but think that it was not so unreasonable as your lordship appears to assume, that it should hope to see a willingness in that of Great Britain to make the reciprocal legislation still more complete. In that hope it was destined to be utterly disappointed. Her Majesty's government decided not to act. On that decision it is no part of my duty to complain. The responsibility for the injuries done to citizens of the United States by the subjects of a friendly nation, by reason of this refusal to respond, surely cannot be made to rest with them. It appears, therefore, necessarily to attach to the party making the refusal.

But if the example thus set by her Majesty's government should come to be generally adopted, and the principles of neutrality upon which it rests be recognized as a part of the code of international law, then it is not difficult to foresee the probable consequence. A new era in the relations of neutrals to belligerents on the high seas will open. Neutral ports, in that event, will, before long, become the true centres from which the most effective and dangerous enterprises against the commerce of belligerents may be contrived, fitted out, and executed. The existing restrictions upon the exploits of daring adventurers will rapidly become obsolete, and no new ones will be adopted. Ships, men, and money will always be at hand for the service of any power sufficiently strong to hold forth a probability of repayment in any form, or adroit enough to secure a share of the popular sympathy in its undertakings. New Floridas, Alabamas, Shenandoahs, will appear on every sea. If such be the recognized law, I will not undertake to affirm that the country which I have the honor to represent would not in the end be as able to accommodate itself to the new circumstances as Great Britain. While I cannot but think that every moderate statesman would deprecate such a change, which could hardly fail to increase the hazard of lamentable complications among the great maritime powers, I cannot see an escape from it, if a nation itself possessing a marine so numerous and extensively dispersed decides to lead the way.

Entertaining these views, it appears scarcely necessary for me to follow your lordship further in the examination of details of former precedents either in English or American history. I am happily relieved from any such necessity by learning the conclusions to which her Majesty's government have arrived. Understanding it to decline the proposal of arbitration which I had the honor, under instructions, to present, in any form, for reasons assigned by your lordship, I, nevertheless, am happy to be informed that "her Majesty's government are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war which the two powers shall agree to refer to the commissioners."

I have taken measures to make known, at the earliest moment, this proposal to my government, and shall ask permission to await the return of instructions before giving a reply.

Disclaiming all authority to express in advance any opinion on the part of my government, I pray, at the same time, your lordship's attention to a single circumstance which, without a previous agreement upon the great principles of international law involved in this controversy, may raise a difficulty in the way of accepting the proposal. At a first glance it would appear as if it were, in substance, identically the same with that long ago made by the Portuguese government to that of the United States. The essence of the answer returned in that case happens to have lately passed under your eye, since it is found incorporated in your lordship's note. I trust I cannot be suspected of a desire to imply that, in taking this step, her Majesty's government could have sought to appear either as proposing, on the one hand, a measure which it foresaw must be declined, or, on the other, one which, if accepted, could be so accepted only at the risk of a charge of disavowing the views of constitutional or international law entertained by my government in former times. It may indeed be that, in this view, I may, after explanation, find that I have misconceived the nature of your lordship's proposal on the view which my government will take of it; in which case I pray you to excuse the suggestion, and consider it as made without authority, and solely in the hope of eliciting such explanation.

I take great satisfaction in concluding this note by cordially responding to your lordship's request "to join with her Majesty's government in rejoicing that the war has ended without any rupture between two nations which ought to be connected by the closest bonds of amity."

I likewise receive with great pleasure your lordship's assurances that the efforts by which the government and Congress of my country have shaken off slavery "have the warmest sympathies of the people of these kingdoms."

If, from painful observation in a service extended through four years, I cannot in candor yield my entire assent to this statement, as applied to a large and too influential portion of her Majesty's subjects; if it has been my misfortune to observe in the process of so wonderful a revolution a degree of coldness and apathy prevailing in many quarters, from which my countrymen had every right to expect warm and earnest sympathy; if throughout this great trial, the severity of which few not well versed in the nature of our institutions could fully comprehend, the voice of encouragement from this side of the water has too often emitted a doubtful sound, I yet indulge the hope that the result arrived at will ultimately correct the hasty and harsh judgments that flowed from lack of faith and of confidence in our fidelity to a righteous cause. Of the friendly disposition in this regard of the members of her Majesty's government, and especially of your lordship, I have never permitted myself to doubt. And yet, in the midst of the gravest of our difficulties, I cannot forget than even your lordship was pleased, in an official published despatch, to visit with the severity of your but too weighty censure the greatest political measure of the late lamented President—that which, in fact, opened the only practicable way to the final attainment of the glorious end. Under such circumstances, I pray you not to be surprised if I am compelled not to disguise the belief that with my government, as among my countrymen at large, there is still left a strong sense of injured feeling, which only time and the hopes of a better understanding in future, held out by the conciliatory strain in your lordship's note, are likely to correct.

Recognizing most fully the justice and propriety of the joint policy marked out in your concluding sentence, I have, &c.,

CHARLES FRANCIS ADAMS.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 1066.] LEGATION OF THE UNITED STATES,
London, October 14, 1865.

SIR: I feel it my duty at once to transmit to you a copy of a paper issued from the Foreign Office directing that all restrictions on vessels-of-war of the United States be taken off in British ports. This was sent to me last night with a note from his lordship, * * * in which he also lets me know that

the government has decided to send orders to Admiral Denman to detain the Shenandoah if she comes into any British port, and to capture her if found on the high seas.

I seize the opportunity to send you also a copy of the Times, which contains what is clearly an official correction of the version made in the leading article of the day before of Lord Russell's proposal of a commission. It now appears as if this government gravely proposes this commission should be raised to deliberate upon trifling British claims, whilst it excludes beforehand the only important ones on the part of the United States to which the war has given rise. The only suitable answer to such a proposition would seem to be, all or none.

The newspapers are filled with discussions of the correspondence. The argument which has evidently made the deepest impression is that drawn from the possible consequences to British commerce of the establishment of this precedent.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of October 14, 1865.]

England and America.

In order to guard against any misunderstanding, we are requested to re-state that the proposal of Earl Russell to the American government was conveyed in the following words: "Her Majesty's government are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war *which the two powers shall agree to refer to the commissioners.*" These concluding words limit the subject of reference, since it would be inconsistent with the position taken up by her Majesty's government, and with the arguments which induced it to decline arbitration, to permit the claims for losses by the Alabama and other vessels of the same character to be brought before a commission for decision. It must be understood, therefore, that if any such commission were agreed on, those cases would be excluded from its jurisdiction.

Earl Russell to the lords, &c., of admiralty and treasury, and others.

FOREIGN OFFICE, *October* 13, 1865.

MY LORDS: With reference to my letter of the 2d of June last, prescribing the course to be taken by her Majesty's several authorities in all ports, harbors, and waters belonging to her Majesty, whether in the United Kingdom or beyond the seas, in consequence of the recognition by her Majesty's government that peace was restored within the whole territory of which the United States of North America, before the commencement of the civil war, were in undisturbed possession; and with reference more particularly to that passage in my letter in which it was laid down that confederate vessels departing, in pursuance of requisitions to be made by her Majesty's authorities, from any ports, harbors, and waters belonging to her Majesty, in which, at the time of the receipt by those authorities of the fresh orders, such vessels might be found, should then and for the last time have the full benefit of the prohibition theretofore enforced against pursuit of them within twenty-four hours by a cruiser of the United States lying at the time within any such ports, harbors, and waters, I have the honor to state to your lordships that her Majesty's government are of opinion that it is desirable that her Majesty's naval and other authorities at home and in her Majesty's possessions abroad should be formally apprised that, as full time has now elapsed since my letter of the 2d of June for giving effect to the provisions of that letter, all measures of a restrictive nature on vessels-of-war of the United States in British ports, harbors, or waters are now to be considered as at an end, and that it is the desire and intention of her Majesty's government that unrestricted hospitality and friendship should be shown to vessels-of-war of the United States in all her Majesty's ports, whether at home or abroad.

I have addressed a similar letter to, &c.

I have, &c.,

RUSSELL.

The LORDS, &c., OF THE ADMIRALTY AND TREASURY, Right Hons. EDWARD CARDWELL, M. P., Sir GEORGE GREY, Bart., M. P., Sir CHARLES WOOD, Bart., M. P.

[Received at United States legation, London, October 13, 1865.]

Mr. Adams to Mr. Seward.

No. 1067.] LEGATION OF THE UNITED STATES,
London, October 19, 1865.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1551 to 1556, both inclusive.

The most important of these is No. 1551, of the 27th of September, being in reply to Lord Russell's note to me of the 30th of August. Immediately after receiving it I set about preparing a note to his lordship, framed as much as possible on your language. It was finished just as I received a note from him which must have been drawn out by reason of the doubts expressed here of his real meaning. As it seemed to supersede the necessity of the first inquiry you directed me to make, I at once modified the form of my note to suit it. Copies of the two notes are herewith submitted.

The discussion of the printed correspondence is still carried on with much earnestness. "Historicus" appears twice in the Times, but not with the vigor which formerly marked his papers. The substance of his second letter is sufficiently answered by a writer who signs himself C, in the News. It is impossible not to believe that the government was precipitated into the act of recognition by its thorough conviction that the separation was complete. They were not roused from the delusion until my conversation with Lord Russell on the 18th of May, in which I communicated to him the substance of your first instructions, opened his eyes to the consequences of running too fast in that path. The verbal understanding with Mr. Dallas had been entirely forgotten. But it was too late to retreat. The pride of opinion, so strong in the national character, was then too fully enlisted to permit of any change of policy. Besides which, the current of sympathy running in the higher classes, and especially in both houses of Parliament, was not to be stemmed by a ministry which never had much strength to sustain it.

In one of the numbers of the Times which I transmit will also be found a leader indicating another change of position, probably demanded by the development of opinion. The first leader was timid, doubtful, and leaning to the acceptance of the proposal of a commission designed to embrace all the disputed claims. This brought on the necessity of a semi-official correction as to the nature of that proposal. It is now followed by an argument in the other extreme, which throws all further discussion out of court. This has been very properly noticed in a leader of the News of this morning, a copy of which is also forwarded.

It is very plain that the matter cannot rest here. The dilemma is an extremely painful one, and no progress appears to be making towards relief. The lapse of time will not contribute to make the case better. We can afford to await the course of events in Europe much more safely than this government.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, October 14, 1865.
2. Mr. Adams to Lord Russell, October 17, 1865.
3. The Times, October 18, 1865.
4. The Times, October 19, 1865.
5. The Daily News, October 19, 1865.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 14, 1865.

SIR: I have thought it best to wait for the answer to the reference you have made to your government before replying to your last letter. But I observe that you have not clearly understood my proposal for the appointment of a commission.

That proposal is made in the following terms: "Her Majesty's government are ready to consent to the appointment of a commission, to which shall be referred all claims arising during the late civil war *which the two powers shall agree to refer to the commission.*"

There are, I conceive, many claims upon which the two powers would agree that they were fair subjects of investigation before commissioners.

But I think you must perceive that if the United States government were to propose to refer claims arising out of the captures made by the Alabama and Shenandoah to the commissioners, the answer of her Majesty's government must be in consistency with the whole argument I have maintained in conformity with the views entertained by your government in former times.

I should be obliged, in answer to such a proposal, to say: "For any acts of her Majesty's subjects committed out of their jurisdiction and beyond their control, the government of her Majesty is not responsible."

I should say, further, that the appointment of a commission for such purpose would not be consistent with any practice usual among civilized nations, and that it is a principle well known and well understood that no nation is responsible for the acts of its citizens committed without its jurisdiction, and out of the reach of its control.

I should have cleared up this point before, but I thought the words, "which the two powers shall agree to refer to the commissioners," would put an end to any doubt upon the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 17, 1865.

MY LORD: I have the honor to acknowledge the reception of your note of the 14th instant, explanatory of some portions of a preceding one dated the 30th of August last.

This has reached me just in season to enable me to dispense with the necessity of soliciting precisely that information; for although the government which I have the honor to represent had already understood your lordship's note as substantially in the same sense, it has instructed me to ask the confirmation of it which has now been supplied.

I am now directed to inform your lordship that the contents of your note of August 30 have received the most careful consideration.

With regard to the reference which you were pleased to make to a friendly remark contained in the note which I had the honor to address to your lordship on the 23d of October, 1863, apparently considering it in the light of a formal proposal for arbitration, I am now desired, in view of the reasons given by your lordship why such a mode of adjustment would not be acceptable to her Majesty's government, to state that whatever may have heretofore been, or might now be, thought by the President of umpirage between the two powers no proposition of that kind, for the settlement of existing differences, will henceforward be insisted upon or submitted on the part of my government.

The proposal of some form of commission, made by your lordship, still remains under consideration. To the end that my government may be the better enabled to make a satisfactory reply to it, I am still under the necessity of soliciting more information in regard to the precise nature of the claims which her Majesty's government is disposed to agree to consider. I am instructed to venture so far as to ask the favor of your lordship to distinguish, as well what among the classes of claims it is willing, and what it would not be willing, to refer to the proposed commission.

I pray your lordship accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Honorable EARL RUSSELL, *&c., &c., &c.*

[From the London Times of October 18, 1865.]

THE ALABAMA CORRESPONDENCE.

To the Editor of the Times:

SIR: The careful and elaborate discussion contained in the despatches of Lord Russell and Mr. Adams may be said to have exhausted the substantial merits of the question. I shall, however, ask your leave to offer a few observations on the replication of Mr. Adams to the plea recorded by Lord Russell on behalf of English neutrality.

I have frequently on former occasions in your columns expressed my unfeigned surprise that it was thought possible to find occasion of grave complaint in the act of the recognition of the belligerent rights of the southern confederacy. That surprise is certainly not diminished by the arguments to which Mr. Adams is fain to have recourse in support of that complaint.

The American minister seeks to avoid the stringency of the conclusion derived from the proclamation of blockade of April 19, 1861, by alleging that it was, in fact, nothing more than a "declaration of intention," an "assumption of certain acts contemplated but not performed." Even if this were a correct statement of the fact, it would surely be a singular argument that when a man menaces you with an attack you are not to place yourself in an attitude of defence until the attack has been actually carried into effect. Thus, for instance, a man sends me a formal notice to say that he means to knock me down the next day; if I send for a policeman at once am I to be told that my conduct is "precipitate and unprecedented" because I acted upon a "mere presumption of what was going to be done;" that "there was at the time no certainty that the declaration of intention would be fulfilled," and that it was "the part of calm statesmanship to postpone acting, at least until something shall have been done to require it," *i. e.*, that I am to be knocked down first before I am justified in calling in the police? And though, as a fact, I am knocked down long before the police arrive, am I to be told that this is my own fault, because, if I had not called in the police, "it is not beyond the possibility of belief" that I should never have been knocked down at all? It is surely not necessary to confute such a line of argument as this. Is it to be contended that, when a government of one country threatens so serious an injury to the interests of another as that involved in the American blockade, the government of Great Britain was not bound, as well as justified, in taking without delay those precautions which were essential to the defence of those interests which, if the threat were carried into execution, would be so seriously imperilled?

Mr. Adams says we ought not to have assumed that the proclamation of blockade would have been carried into effect. He argues that "it is not beyond the possibility of belief" that the proclamation of blockade would have been left incomplete but for the English declaration of neutrality, "which precluded all chance of avoiding to have recourse to it." In advancing such an argument Mr. Adams seems to have forgotten his accustomed caution. The truth is that the blockade was made effective a week before the 6th of May, the day on which the English government gave the first intimation of their intention to recognize the belligerent rights of the confederacy. The proclamation of blockade was dated the 19th of April. Mr. Adams complains that the English government assumed that it would be immediately carried into effect. Were they wrong in that assumption? On the 30th of April the American admiral issued a notice declaring that the blockade had been made, and was effective. This notice led to a correspondence been Mr. Seward and the ministers at Washington representing the var ous European governments. On the 2d of May Mr. Seward wrote to the Spanish minister:

"In acknowledging the receipt of your note of the 30th ultimo, on the subject of the blockade of the ports in several of the States, I deem it proper to state for your further information—

"1. That the blockade will be strictly enforced upon the principles recognized by the law of nations.

"2. That armed vessels of *neutral States* will have the right to enter and depart from the interdicted ports."

Thus on the 2d of May, four days before the English government had begun to speak of "belligerent rights," Mr. Seward had already designated the nations of Europe as "neutral States." It is right and natural, it seems, for Mr. Seward on the 2d of May to talk of "neutral States," but for Lord Russell on the 6th of May to speak of belligerent rights was "precipitate and unprecedented." On the 9th of May Mr. Seward writes to Lord Lyons, "Having submitted the matter to the Secretary of the Navy, I have now the honor to enclose you a copy of that officer's reply, from which it will be seen that *there are yet five or six days for neutrals to leave.*" An English vessel was captured and condemned by the American courts for loading an outward cargo on the 13th and 14th of May in one of the blockaded ports. And yet Mr. Adams asks us to believe that but for the English declaration of neutrality, which was first announced on the 6th of May, and finally issued on the 13th of May, no measures would have been taken in America to enforce the blockade. The blockade, as we have seen, was in full and active operation in the second week in May. The news even of the intention of the English government to recognize the belligerent rights of the south could not by any

possibility have been known in America till the third week in that month. And yet we are gravely told that "the actual blockade, so far from being a cause, became actually an inevitable consequence of English policy." What is this but to reproduce the ancient fable in which the wolf complains of the lamb, which stood below him in the stream, for fouling the springs of which he drank?

But the real truth is, this argument for the incompleteness of the blockade is not only an anachronism, but a fallacy. Mr. Bemis and other writers in America have labored hard to prove that when the English government determined to recognize the belligerent rights of the south they did not know of the blockade. As a fact their contention is untrue, for the proclamation of blockade was known in England on the 2d of May, and was expressly referred to by Lord Russell, as one of the elements governing the decision of the English government, in his speech of the 6th of May. The dates consequently show that the American proclamation of blockade might be and was one of the causes of the English proclamation of neutrality, but that the English proclamation could by no possibility have been a cause of the American blockade, which was in actual operation before the declaration of the English government was made in England, and consequently long before it could be known in America.

But it is idle to prolong such a discussion. Plain as the facts and dates are against the American view, their contention would have been equally unsustainable had they been exactly the other way. American writers on this subject seem to reason as if the blockade made the war, whereas, in truth, it was the war which made and justified the blockade. A proclamation of blockade assumes the pre-existence of a state of warfare, which alone justifies such a proceeding. The recognition of belligerent rights depends on the question of the existence of a state of belligerency. Belligerency is a fact the existence of which is to be gathered from observation of the circumstances of the case. It may be difficult precisely to define the limits at which insurrection passes into civil war. The decision of such a question belongs to the province of statesmanship. On the 6th of May, the English government came to the conclusion that the state of things in America was one of civil war. When the propriety of that decision of the English government is challenged by the American government, the answer is conclusive: "You yourselves arrived at the selfsame conclusion on the 19th of April, and the proof that you did so is that you issued a proclamation of blockade." No one who understands the real conditions of this question will fail to see that in this point of view the argument is equally complete whether the blockade was known at the time to the English government or even whether it ever was enforced at all. If I arrest a man because from the surrounding circumstances of the case I think he is guilty of a crime, and it subsequently, when my conduct is questioned, it comes to my knowledge that he has confessed his guilt, I may rely on that admission as a proof that my conduct was justifiable, even though I did not know of the admission. The proclamation of blockade was a recorded admission on the part of the American government that in their judgment on the 19th of April, 1861, a state of belligerency existed. The whole source of the fallacies which run through the American reasonings on this question lies in their confounding two wholly different things—the fact of the existence of the war and the evidence of that fact. And yet the masterly judgment of the Supreme Court, cited by Lord Russell in his last despatch, might have sufficiently guarded them from such an error. The judgment states that "the proclamation of blockade is itself official and conclusive evidence that a state of war existed which demanded and authorized a recourse to such a measure under the circumstances of the case." The state of war, therefore, preceded the blockade, and it was this state of war (of which the blockade was only an admission) which justified and made necessary the English recognition of belligerent rights; for the Supreme Court, after laying down that a state of war existed before the 19th of April, proceeds to affirm that "neutral States are bound to recognize the rights of belligerents engaged in actual war."

Mr. Adams objects to Lord Russell's reference to the magnitude of the insurrection as constituting one of the elements in the determination to accord to them belligerent rights; yet what other test can be applied? The difference between insurrection and civil war is, after all, one of degree. It is the test to which the Supreme Court itself appeals.

These are the words of a judgment (pronounced, let it be remembered, by the northern majority of the court:) "This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local, unorganized insurrection." If it had been, it might have been proper to wait and see whether it was about to ripen into war. But in this case there was neither necessity nor justification for waiting. "For," continues the same judgment, "however long may have been its previous conception, it nevertheless sprang forth from the parent brain a Minerva in the full panoply of war."

The birth of Minerva (to whom the Supreme Court happily compares the confederacy) was, no doubt, both "precipitate and unprecedented," and her reception both by Jupiter and the rest of Olympus was agreeable to her origin. She was "presented" at once as a full-grown goddess, and it is somewhat unreasonable to complain that she was not, like ordinary illegitimate infants in arms, put out to nurse for a season.

It is difficult, indeed, to regard this question seriously, so entirely unfounded and untenable does it appear to the mind of every jurist and every man of common sense. Nevertheless, I believe that Mr. Adams is strictly accurate when he says that—

"I have dwelt at some length upon this original point of difference between the two coun-

tries, because it has ever appeared to me the fruitful parent of all the subsequent difficulties, the nurse of a very large share of ill feeling which I cannot deny now to prevail among my countrymen."

I must urge the same excuse for returning at such length to a discussion which in Europe is justly considered to have been long ago exhausted. But labor is not ill spent in exposing, again and again, errors which, however obvious, are pertinaciously reproduced, and experience unhappily shows that those resentments are not seldom the most bitterly cherished in proportion as they are wholly unfounded.

This letter has grown to such length that I shall have to ask your indulgence on another occasion for some remarks on the later portion of Mr. Adams's despatch.

Your obedient servant,

HISTORICUS.

TEMPLE, *October* 16.

[From the London Times of October 19, 1865.]

THE ALABAMA CORRESPONDENCE.

To the editor of the Times:

SIR: I do not propose to return at any length upon the question of the "precipitate" recognition of belligerent rights. There are, however, one or two matters of fact which have been misconceived in America, and which, as I have omitted to notice them, it may be well to set right.

It has been urged by American writers, and I see the charge is reiterated in England, that the argument derived from the American blockade was an after-thought, and that, whatever may be its logical validity, it did not, in fact, influence the action of the English government in their policy at the date of the proclamation of neutrality. The allegation, if it were true, would be immaterial, but in point of fact it is unfounded. Let us observe what actually occurred. The first date at which this matter came under public discussion was May 2, 1861. The question of the effect of the hostilities in America upon English trade and English shipping was naturally and appropriately brought forward in the House of Commons by the member for Liverpool. The following report of what took place on May 2 is from the Times of May 3:

"Mr. EWART asked the secretary of state for foreign affairs whether, seeing the possibility of privateering being permitted and encouraged by the southern confederation of the States of America, her Majesty's government had placed a sufficient naval force, or intended to increase it, in the Gulf of Mexico, with a view to protect British shipping and British property on board American ships; and if privateers sailing under the flag of an unrecognized power could be dealt with as pirates.

"Lord J. RUSSELL said: In answer to the first part of the question of the honorable gentleman, I beg to say that her Majesty's government has directed that a naval force for the protection of British shipping should be sent to the coast of America. As to the latter part of the question, I will state to the house that the government has from day to day received the most lamentable accounts of the progress of the war in the States of America. Her Majesty's government heard the other day that the confederated States have issued letters of marque, and *to-day we have heard that it is intended there shall be a blockade of all the ports of the southern States.* As to the general provisions of the law of nations on these questions, some of the points are so new, as well as so important, that they have been referred to the law officers of the Crown for their opinion, in order to guide the government in its instructions, both to the English minister in America and the commander of the naval squadron. Her Majesty's government have felt that it was its duty to use every possible means to avoid taking any part in the lamentable contest now raging in the American States, *and nothing but the imperative duty of watching British interests, in case we should be attacked, justifies our interfering.* We have not been involved in that contest by any act of giving advice in the matter, and, for God's sake, let us, if possible, keep out of it."

Is this the language of a government which was inspired by a malignant satisfaction in the misfortunes of its neighbors, or actuated by a sinister desire to take advantage of its troubles? This conversation seems to me to establish conclusively—

1. That at that date the English government had not finally resolved on the course they were about to pursue.

2. That they were determined to be advised as to that course by the judgment of persons versed in the law of nations.

3. That the blockade instituted by the United States, and the admission therein involved on the part of the United States that an actual state of war existed, had then come to the knowledge of the English government, and formed a material element in their consideration of the course to be adopted.

4. That they were determined to act in a spirit of strict neutrality, and to avoid taking part with either side.

5. That the pressing necessities of the case made it urgent that immediate instructions should be given as to the attitude of the English government to the then diplomatic and naval officers abroad for the protection of their own subjects. Accordingly the advice of the law officers was taken without delay. The result of that advice was communicated to Parliament on May 6. On that day Lord J. Russell, in the House of Commons, made the following statement:

"The question has been under the consideration of the government; they have consulted the law officers of the Crown—the attorney and solicitor general and the Queen's advocate—and the government have come to the opinion that the southern confederacy of America, according to those principles which seem to them to be just principles, must be treated as belligerents."

It will be observed that there is here no detailed statement of the grounds of this decision; but in a speech delivered in the House of Lords in the course of the present year Lord Russell (March 23, 1865) stated that the American proclamation of blockade formed an important element in the decision thus arrived at. The anti-English writers on both sides of the Atlantic have thought fit to dispute this statement, and to treat the argument derived from the blockade as a recent invention. In this, however, they are distinctly refuted by plain facts and recorded documents. In a despatch addressed to Mr. Adams as early as August, 1861, when the topic was fresh and the discussion in its very earliest stages, Lord Russell writes to Mr. Adams, August 28, 1861:

"Her Majesty's government, *upon receiving intelligence that the President had declared by proclamation his intention to blockade nine States of the Union*, and that Mr. Davis, speaking in the name of those nine States, had declared his intention to issue letters of marque and reprisal, and having also received certain information of the design of both sides to arm, *had come to the conclusion that civil war existed in America, and her Majesty had therefore proclaimed her neutrality in the approaching contest.*"

It is thus clear that the proclamation of blockade of the date of April 19, 1861, was known to the English government on May 2, when they first submitted to the law officers the question of the course to be pursued by this country. It is equally clear that that proclamation formed an element in the advice given to the government by its legal advisers on May 6, and that it was relied on from the earliest period of the controversy as a material fact clearly justifying and calling for the action of the English government in their declaration of neutrality. I hope, after this plain statement of facts, we may hear no more of the charge that the argument derived from the blockade was only an "after-thought."

There is another matter of fact which has been so persistently misrepresented in America that it is proper it should be set right. It has been asserted over and over again that the Confederate States had no cruisers afloat but such as were equipped in English ports, and that our recognition of them as belligerents not only recognized but created their naval force, such as it was. This statement is wholly without foundation. The Sumter and the Nashville were native southern vessels-of-war which were cruising on the high seas, and visited our ports with regular commissions at a very early stage in the contest. Besides these, the confederates had a very powerful navy which defended their own ports, and which was not the less a navy because, from motives of prudence, it did not think fit to leave the shelter of its forts. Is it to be said that the Russian government was not entitled to maritime belligerent rights in the Crimean war because its fleets were shut up in Cronstadt and Sebastopol? I should like to hear the American answer to two questions:

1. If the English government had postponed the proclamation of neutrality, and in the mean time the captain of an English man-of-war had seen the Sumter or the Nashville overhauling a British merchantman on the high seas, or a northern cruiser capturing an English vessel at the mouth of Charleston harbor, what was he to have done?

2. If the English government had acted upon the assumption which Mr. Adams contends they ought to have made, viz: that the proclamation of blockade would not have been put in force, and had consequently forborne to warn the Queen's subjects, in their proclamation of neutrality, to respect the blockade, what would have become of the innocent English merchantmen which, in the usual course of trade, would have continued to ply to the blockaded ports? Would they or would they not have shared the fate of the Tropic Queen?

You justly animadvert on the absurdity of the complaint that a thing which it is not disputed must have been done at some time should have been done too soon. This sort of criticism reminds one of Mr. Fox's censure on Mr. Burke's conduct with respect to the French revolution, when he said "Burke was right, but he was right too soon." I think it would have puzzled Mr. Fox to point out the exact moment at which it would have been for the first time permissible for Mr. Burke to be right. I am disposed to believe Mr. Adams would be equally embarrassed to point out the precise period of the contest at which the proclamation of neutrality would not have been "precipitate and unprecedented." The truth is, that in matters of this magnitude those who stand afar off are in a better position to appreciate the true proportion of events than those whose vision is limited by a close proximity or distorted by interest and passion. The calm and indifferent bystander arrives by an earlier and a sounder judgment at a knowledge of that reality which a later experience alone forces on the mind of the heated and blinded partisan. The American government, not unnaturally incredulous of the enormity of the struggle in which they were engaged, believed that the

insurrection would be put down in three months by a levy of 75,000 militia. The English government more accurately gauged the magnitude of the crisis, and they felt that they could not refuse to recognize that which all the world now admits to have been one of the greatest military contests in which the human race was ever engaged.

We do not taunt them with having been mistaken, nor do we plume ourselves upon having been in the right; but we do protest, in the name of justice and common sense, against being charged with unfriendly conduct because we were unable to partake in their error.

HISTORICUS.

TEMPLE, *October* 18.

[From the London Daily News of October 19, 1865.]

The safe arrival of the Shenandoah in the Mersey, after a voyage around the globe, in the course of which she has almost ruined an important branch of industry, is calculated to make us consider whether we have done wisely in sanctioning those innovations upon the rules of war, hitherto recognized among nations, which the confederate practices have introduced. This vessel, it will be remembered, bearing at the time the name of the Sea King, was purchased by confederate agents in this country. To avoid the difficulties in the way of her equipment for her new service in either British or French ports, she was sent to sea without armament, and another steamer, the Laurel, was chartered at Liverpool to take out the guns, stores, and crew intended for her service. At Madeira these were transhipped, a confederate commander declared her commissioned as a vessel-of-war, and she then set out on her career of destruction. Once at least in the course of it she came again within our power, for she was obliged to put into Melbourne for repairs and supplies. These were furnished, it is said, only to such an extent as to enable her again to put to sea, but nothing of a belligerent character was allowed to be taken on board, nor was recruiting permitted. The Shenandoah then sailed for the north Pacific, and from that period successive tidings of the havoc she wrought among the American sperm whalers have been received. It is now announced that she has destroyed not less than thirty-seven vessels, and we ourselves reap some of the results of her ravages in an advance in the price of sperm oil from 70*s*. to 120*s*. per tun. On the 5th of August she spoke a Liverpool vessel, and then, her captain alleges, what we find it impossible to believe, he learned for the first time of the downfall of the confederacy, after which he suspended hostile operations and made direct for England. Such is the outline of her history, and it is now for the people of this country to consider the moral which is to be drawn from it in so far as it affects ourselves.

We shall not, looking at it from this point of view, discuss the question of the legitimacy of burning and destroying merchant vessels without any form of legal condemnation. But even if that practice were not open to exception, it may be defended by a very untenable argument. And such an argument is used when the confederate apologists insist that the destruction was a necessity forced upon them by the absence of any port into which the captured vessels could be brought. If this argument is sound, it establishes that a nation not merely which has its ports blockaded, but which has no ports at all, nor any access to the sea whatever, may, on the breaking out of a war, buy vessels at sea, commission them at sea, and send them forth to prey on the commerce of its adversary with all the rights belonging to a legitimate navy. On this principle, whatever petty power in the middle of Germany may choose to declare war against us may with impunity, because inaccessible itself, commission sea rovers to attack our merchantmen on every ocean. But this is nothing more than a legalization of buccaneering, the latest form of which, privateering, has been emphatically condemned by the voice of the civilized world; for it is not public war which would thus be carried on by impromptu naval officers in extemporized war vessels. The men engaged in it would be subject to no code of regular service, and that last remedy against barbarism in warfare, the exercise of the right of reprisals, would be unavailing where there would, in the nature of the case, be neither regular fleet, nor even merchant vessels, on which reprisals could be put in force. This, then, is the position in which we shall stand in any future war, by recognition of the new doctrine that there may be a belligerent navy established at sea without a port to which it belongs, and commissioned officers where there cannot be a regular service.

Still more inconvenient, however, will be the precedent of the Shenandoah as regards our claims upon neutral nations. By receiving her at Melbourne we admitted that she had acquired belligerent rights. But she had none when she left Liverpool, and it would have been illegal to have attempted to confer them on her there. We admitted then that this illegality was evaded by the fact that what was necessary for her equipment was sent out from Liverpool in a different vessel. This at least is a new judicial doctrine on our part. In a very similar case the House of Lords, in the year 1840, declared that when it is illegal to send out a certain class of goods in a vessel intended for a particular trade, it is equally illegal to send the vessel from this country without them, but to send them in another ship and transship them in a foreign port. Such intention of evading the law, it was held, tainted the whole proceeding with illegality, and made it impossible to ground any act on for breach of contract

upon it. But departing from this wholesome and common sense rule, our authorities have now in fact declared that, though it is a breach of neutrality to equip fully a vessel for war in our ports, it is no breach of neutrality to equip her by halves, completing the operation by junction of the halves at a distance from our shores. It cannot fail to be recognized how serious will be the consequences to us of this doctrine. In a war with Russia it will be idle for us again to close the Baltic and the Euxine with our superior fleet; our enemy may buy a dozen fast steamers at New York, despatch their armaments after them in separate vessels, effect the transshipment at sea, and then, hoisting the Russian ensign, claim recognition, on the precedent of the Shenandoah, in every American and European port as legitimate Russian men-of-war. And if Russia may do this, so also, on the principles already admitted, may every state, whether it has a seaboard and a navy or not.

Such are the perils to which our departure from the sound principle that every vessel, commissioned or non-commissioned, must have a port to belong to, and our admission that a fraudulent breach of neutrality is cured by the mere fact of its successful perpetration, expose us. It may, indeed, be hoped that some of these evils may be averted by the measures which government may see fit to take against any British subjects who have formed part of the crew of the Shenandoah. There will be no desire here for vindictive proceedings in respect of a war which has been closed, and in which the victors are only occupied in pardoning. But it is important for us that our own laws should be vindicated. It is right that all our subjects should be made to know that they cannot, at their pleasure, break with impunity through regulations which are laid down with a view to the maintenance of peace and the support of national principle. And it is necessary that we should, by thus enforcing our own municipal laws, prove to foreign peoples that these are not retained in the statute-book merely in mockery of their complaints, but that, while not only able, but anxious to employ every legal power we possess for their protection, we too may, when our need comes, have a claim upon them to put their domestic laws in force for the purpose of saving us from injury.

[From the same.]

THE SHENANDOAH.

LIVERPOOL, *Tuesday.*

The Shenandoah still retains her anchorage in proximity to the Donegal, and a company of marines are in possession of the late cruiser. We yesterday stated that Captain Waddell and some other of the officers left the ship after the formal surrender, and landed at Liverpool, where they separated. To-day, however, we learn that Captain Waddell, after pledging his word of honor to Commander Fisher, R. N., of her Majesty's ship Eagle, went ashore, and communicated with a "southern house," after which, according to promise, he rejoined his ship. In the mean time, however, three of the crew left the ship and escaped to the Cheshire side of the Mersey. It is believed that the crew of the Shenandoah have for some time been short of provisions. A boat-load of fresh beef, vegetables, potatoes, &c., sent off by some charitable southerners, was refused permission to go alongside the Shenandoah, the officers in charge stating that a proper supply of fresh rations would be served out to the men by the Donegal. On board the Shenandoah there are about thirty-six chronometers, together with a number of sextants, cabin furniture, furs, and other articles of value, which are supposed to be part of the proceeds of Waddell's late raids among the whalers of the arctic seas. In her hold there still remains (in fact all articles are under seal until instructions are received from government) a large quantity of ammunition, together with six shunt guns and a large swivel gun. It is not at all impossible that within a few days the Mersey may be visited by the Sacramento or other vessels of the United States navy, under the command of Admiral Goldsworthy, whose squadron was last heard of at Toulon and Brest. The vessel is now in charge of Lieutenant Cheek, of her Majesty's gunboat Goshawk, whom Captain Paynter has placed on board with secret instructions There are a guard of marines, a number of seamen from the Donegal, and a body of customs officers also in possession. There is on board a considerable sum of money, but Captain Waddell has no intention of using this for the ship's purposes. He has preserved the property as that of the American government. Consequently, he and his officers and men are without pecuniary resources. Several of the crew who remain on board are down with scurvey. The communications between the government and the authorities here in reference to the Shenandoah have been, and are being, carried on by telegraph. The crew are stated to be, for the most part, smart young fellows, and to have the appearance of excellent seamen. They are of mixed nationality, several of them being apparently Americans.

Mr. Adams to Mr. Seward.

No. 1069.] LEGATION OF THE UNITED STATES,
London, October 19, 1865.

SIR: I have the honor to transmit to you a copy of the Morning Post, containing a report of the proceedings at an adjourned meeting of the holders of the cotton bonds. It will there be seen how a learned British expounder of the Constitution of the United States, undertakes to set aside all the wisdom of Marshall and Kent and Story upheld by the verdict of the people and confirmed by the result of an appeal to the sword.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Morning Post of October 19, 1865.]

THE SEVEN PER CENT. COTTON LOAN OF THE CONFEDERATE STATES OF AMERICA.

Yesterday afternoon an adjourned meeting of the holders of the above loan was held at the London tavern, for the purpose of receiving a report of a committee appointed at a meeting held on the 4th of September last. Vice-Admiral Sir Provo William Parry Wallis, K. C. B., was called to the chair.

Mr. J. M. CHAMBERLAIN, a member of the committee, submitted the report, which was designed to inform the bondholders of the steps which had been taken to place their interests on a firm and legal basis. In the course of a long correspondence with various parties, the committee ascertained from Messrs. Schröder & Co. that the amount of the bonds of the seven per cent. cotton loan in circulation were: Amount of bonds issued, £3,000,000; amount of bonds exchanged for cotton certificates, £376,600; amount of bonds redeemed by the drawings, £204,600; making together, £581,200; amount of bonds at present in circulation, £2,418,800. The committee had thought it their duty to ascertain precisely the legal status of the bondholders, and therefore they submitted a case drawn up with the utmost impartiality to Mr. Fleming, Q. C., and the Times' report of "The United States of America *v.* Prioleau and others," before Vice-Chancellor Sir W. P. Wood, was laid before him. Mr. Fleming was requested to consider the rights and liabilities of the contractors and agents of the loan, and whether any and what means could be adopted to force them to disclose what funds, if any, they had in hand belonging to the late government, and to compel their application in part liquidation of the claims of the bondholders. Mr. Fleming gave the following opinion: "The more important questions involved in this case are of such magnitude and difficulty that my opinion upon them has been come to with much anxiety and hesitation, and is given with great diffidence. Upon the best consideration which I can give, it appears to me that the loan in question was validly created, although, of course, whatever may be the strict rights of the parties, it is in the power of the conquering party to disallow and reject it. I think that the Confederate States may properly be deemed to have been a *de facto* independent State from the time of the secession until they were finally conquered. They possessed within themselves, and over the States and populations which submitted to their government, every attribute of sovereign authority; and the internal sovereignty of a State does not in any degree depend upon its recognition by other States. The United States date their existence from the Declaration of Independence in 1776, and not from the subsequent treaty with Great Britain, or any other recognition by foreign powers. (Wheaton on International Law, chap. 11, p. 1, sec. 6.) The Confederate States cannot, I humbly conceive, be likened to a part of an European kingdom in rebellion against its sovereign. All the original States of the Union had been separate and distinct colonies of Great Britain, owing no obedience and no obligations to each other, and when they united or confederated together they did so as distinct and independent States. The articles of confederation of 1778 expressly reserved to each State its sovereignty, freedom, and independence, and every power, jurisdiction, and right which was not by the constitution expressly delegated to the United States in Congress

assembled. The powers, jurisdictions, and rights delegated to the Congress by the 8th section of the 1st article of the Constitution of 1787, and yielded up by the several States by the 10th section of the same article, appear to me quite consistent with the maintenance of the sovereignty, freedom and independence of each State; and the 10th additional article of the Constitution expressly provided, 'That the powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States, respectively, or to the people.' The several States agreed and contracted that part of their sovereign and independent power should be exercised for them by a Congress, the members of which shoulp be chosen by the several States, and by a President and other officers selected and acting under the provisions embodied in the Constitution of 1787, but they reserved to themselves all the other sovereign rights, and by no means made the inhabitants and subjects of each State subjects of the President, or of any authority at Washington, or blended the several States into a common empire. The arrangement between the several States originally embodied in the articles of Constitution of 1778, and subsequently in the Constitution of 1787, appears to me to have been not the creation of a sovereignty which the people accepted as subjects, but merely a compact or agreement, binding no doubt upon the States which were, or which became, parties to it, so far as it could be enforced against them, but not making the refusal of a State to act in obedience to, or in conformity with it, an act of rebellion. My opinion consequently is, that although the Confederate States may have been acting in violation of the provisions of the Constitution, they were acting as sovereign and independent States—owing no obedience as subjects to any authority; and that when they seceded from the Union they broke through the compact or agreement of their predecessors, but violated no allegiance, and that whilst unsubdued they maintained their sovereignty, and, as a necessary incident to it, their power to contract loans and to pledge the property of each of the confederated States as security for their repayment. The body which contracted the cotton loan consisted of especial representatives from the several States which united in confederation, having, as I conceive, full power to bind the States which they represented; and I am further informed that the State legislatures of most of the Confederated States, by separate acts, adopted or confirmed the loan, although it was made in the name of the Confederated States. Every guarantee which could make the Confederated States, jointly and each of them, respectively liable for the repayment of the loan appears to have been given; and unless their existence as independent States has been lost before the loan was contracted, it appears to me that there is no ground on which its original validity can be successfully called in question. Secession could not forfeit, and I do not understand that it did forfeit, the independence or the sovereignty of the several States of the confederation; and I think it must be deemed that those States continued to hold their authority as sovereign States until they were finally subjugated. The illegal or improper usurpation of the government of those States, as such government was actually held and exercised, would make no difference. If the view which I have formed as to the original validity of the loan be well founded, then the United States have taken the property of the Confederated States subject to the charge for the loan, and which has by conquest become the property of the United States, continues liable to the charge, and can only be obtained by the United States subject to the liability which previously attached to it. The case is different in fact, but not in principle, in regard to property in America and under the immediate control of the conquerors. With that, of course, the successful party can deal; and if it be their pleasure to deny the validity of the loan, I do not see any means by which their right to take the property of the States which they have conquered, repudiating the liability to creditors under the loan, can be questioned in America. But whatever may be the actual power of the conquering States, as the Confederate States did, in fact, for a considerable time maintain their separate and independent existence, and as during that time they contracted the loan, if the principle all but universally acted upon in Europe be applied, the loan ought to be admitted. The government of a State which is *de facto* independent raising loans is held to have the power of binding the State, although the government be a revolutionary government; and the greatest blame has been attributed to the successive governments of Spain because that country repudiated the loans raised by the Cortes, whilst the government kept the king in reality as a prisoner; and I am informed that up to the present day the merchants of the principal kingdoms of Europe refuse to allow any public loan for Spain to be dealt with on their public exchanges. The liability of a borrowing State appears to me to be very clearly and correctly put in Wheaton's 'Elements of International Law,' page 1, chap. 2, secs. 2 and 3. The case of Texas, mentioned in a note to the last edition, bears a resemblance to the present case. Texas, which had been a part of the colony of Mexico, and a dependency of Spain, declared herself an independent State, and subsequently made herself one of the United States. It was held by all that Texas continued liable for the loans which it had contracted, and that the difference which had resulted from the fact that it had become one of the United Stales was that foreign governments could only deal with it through the medium of the authorities of the United States in conformity with the Constitution of 1787. But Texas had been the borrower, and continued liable, and was the sole party to pay the debt, and would, I think, have been equally liable had it again become a dependency of Spain instead of becoming one of the United States. It therefore appears to me that if the principle generally adopted were applied to the present case, the liability of the States which united as the Confederate States

would be admitted by the United States government; but it is most certainly in the power of the United States, as the conquering party, to admit or deny the liability. Upon this part of the case I have assumed that the States which originally constituted the United States have not, by any proceeding under the 5th article of the Constitution of 1787, altered their position or rights as independent States. I have not heard of any such alteration, nor have I found a note of any alteration in any work which I have consulted. I have no doubt that if the contractor have any portion of the loan in his hands unapplied, or if he have in his hands any property or funds forwarded to him by the confederate government, or their agents, to meet any liability, or payment on account or in respect of the loan, that he is liable to the contributors; and it appears to me that if there be reason to suppose that he has any such property or funds in his possession, it would be prudent to file a bill in equity against him. The frame of the bill and the proper parties to the suit would require much consideration. There is nothing stated in the case which would, in my opinion, justify the contributors in filing a bill against the agent in England of the contractor." On this opinion the committee remark: "Your committee have the utmost satisfaction in stating that the opinion of Mr. Fleming in the case leaves no doubt that sooner or later either the United States, or the States which lately formed the confederation, will recognize and pay the loan. Your committee, in forming this opinion, which shows that the loan was a perfectly legitimate transaction, considered it would be highly desirable that the bonds of the loan should be quoted like other loans in the official list of the Stock Exchange, the more especially as large transactions were and are daily taking place in it by members of the Stock Exchange and by the public." After quoting a letter from Mr. Seward, in which he states that it is not the intention of the government of the United States to assume the public debts of the insurgents, the committe say in conclusion: "They beg to remind those whom it may concern, and especially Mr. Seward, that the cotton loan was strictly a mercantile transaction, based and subscribed for on an hypothecation of cotton which has been seized on by the United States, and which, by the condition and terms expressed in the bonds, the holders had the option of exchanging for cotton at 6*d*. per pound six months after the conclusion of peace, and which option made every cotton bondholder a promoter of peace; and moreover, without such a condition and hypothecation, they would not have advanced their money. Your committee are surprised, therefore, that under such circumstances, and considering their strong legal position, any bondholder can be induced to part with his bonds at existing rates; for although Mr. Seward at present repudiates the liability of the United States to pay the bonds, it is admitted that the federal government has seized on the cotton hypothecated to the bondholders. But apart from this the bond remains a 7 per cent. bond, with a 2 per cent. per annum redemption fund at 100, for which the southern States, lately in secession, are separately and collectively liable, and which they are bound to pay by every principle which can induce states to fulfil their sacred obligations."

The CHAIRMAN moved the adoption of the report, and the motion was seconded by Mr. William Morgan.

Mr. T. G. TAYLOR inquired what amount of bonds was held by the gentlemen at present attending the meeting. It might happen that only a comparatively small portion of the loan was held by them, and they might be doing a very unwise thing if they adopted the report.

Mr. MORGAN (one of the committee) said he did not know how much was held by the gentlemen present. He himself held bonds to the amount of £500,000.

Mr. GREEN spoke in strong terms of a letter of Emile Erlanger & Company, of Paris, dated September 12, in which they refused to give the bondholders an inspection of the contract for the loan, which they contended was a document private to the government of the Confederate States and to themselves. He (Mr. Green) thought the bondholders should take the bull by the horns, and see whether they could not enforce an explicit statement on the part of the contractors. He thought it would not be advisable to adopt or confirm the report. There were some portions of it which seemed to reflect upon Mr. Seward, and as they were about to ask a favor, he thought it would be well to leave out those portions of the report which might tend to hurt the dignity of the United States. [Hear, hear.]

Mr. CHAMBERLAIN regretted to find that there was a fear on the part of many who held the confederate bonds to acknowledge the fact. He did not see why it should be so. Strong language had been used by Mr. Seward towards the bondholders, and he did not see why strong language should not be used in return.

Mr. TAYLOR moved the adjournment of the meeting. He believed that the time would come when people would not be ashamed of holding confederate bonds. He considered them a far better security than Greek or Spanish bonds, for the south had not yet repudiated its engagements. He looked on these cotton bonds as a good speculation to go into even now. [Hear, hear.]

Mr. CHAMBERLAIN expressed his belief that they would become safe stock eventually.

After a long and somewhat desultory discussion, it was arranged that the report should be "received" merely, and that the meeting should stand adjourned until the 18th of January.

Mr. Adams to Mr. Seward.

No. 1072.] LEGATION OF THE UNITED STATES,
London, October 20, 1865.

SIR: I have the honor to transmit to you a copy of a note received last evening from Lord Russell, in answer to my inquiry of the 17th instant, based on your instructions in despatch No. 1551 of the 27th of September.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr Adams.

FOREIGN OFFICE, *October* 19, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, requesting to be informed of the precise nature of the claims which her Majesty's government would be willing to refer to a commission, and I have to state to you, in reply, that the information you request may take some time in preparation; but her Majesty's government will furnish it as soon as they can consistently with the importance of the question.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hunter to Mr. Adams.

No. 1567.] DEPARTMENT OF STATE,
Washington, October 23, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 5th instant (No. 1063,) in relation to the course of the Fenian movement, and to the denial by Mr. Gladstone and others of complicity in the rebel loan.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Adams to Mr. Seward.

No. 1074.] LEGATION OF THE UNITED STATES,
London, October 27, 1865.

SIR: I have the honor to transmit a copy of a note addressed by me to Lord Russell on the 21st instant, in conformity with the instructions contained in your despatches Nos. 1539, 1541, and 1551.

The delay has been occasioned by the time taken in copying the voluminous papers which accompanied No. 1539. Had I not supposed that you considered it important to make them all a part of the record, I should have made selections much reducing the number.

I likewise transmit a copy of his lordship's note acknowledging the recep-

tion of mine. I presume that this is the last official act I shall draw out from him in his present post.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Lord Russell, October 21, 1865.
2. Lord Russell to Mr. Adams, October 25, 1865.

Mr. Adams to Earl Russell.

[Delivered at the Foreign Office at 7.20 p. m., October 21, 1865.]

LEGATION OF THE UNITED STATES,
London, October 21, 1865.

MY LORD: Under instructions from my government, I have the honor to submit to your consideration copies of certain papers, marked A, relative to the destruction of the whaling bark William C. Nye by the vessel known under the name of the Shenandoah.

I am further directed to state that, in view of the origin, equipment, and manning of that vessel, my government claims to look to that of Great Britain for indemnification for this and other losses that have been occasioned by her depredations.

In order that the facts attending this particular case may be more fully laid before you, I pray your lordship's attention to the series of papers marked B, herewith transmitted, which relate to a very material portion of this vessel's career.

In the statement of this case I shall endeavor to confine myself to a recapitulation of the principal facts. To this end, it will be necessary for me to recall your attention to certain portions of the correspondence which I have heretofore had the honor to hold with your lordship.

In the letter which I was directed to address to your lordship on the 5th of September, 1864, when I was under the painful necessity of remonstrating against the conduct of the commander of the yacht Deerhound, in rescuing from the hands of the victor in the strife many of the crew of the Alabama, I received orders to submit to your consideration four propositions, two of which were in the following words:

"3. That the continuance of these persons to receive from any British authorities or subjects any pecuniary assistance or supplies, or the regular payment of wages, for the purpose of more effectually carrying on hostile operations from this kingdom as a base, is a grievance against which it is my duty to remonstrate, and for which to ask a remedy in their conviction and punishment.

"4. The occasion has been thought to warrant a direction to me to ask with earnestness of her Majesty's government that it should adopt such measures as may be effective to prevent the preparation, equipment, and outfit of any further naval expedition from British shores to make war against the United States."

To these propositions your lordship was pleased to reply, on the 26th of September, by stating that the rescue of those people from the sea and from their captor was regarded by you as a praiseworthy act of humanity, and that, after their escape into this kingdom as a refuge, any attempt to restore them would be viewed by you only as a violation of hospitality. No action whatever, so far as I have had an opportunity of knowing, has followed upon either of these requests.

On the 10th of November following, I took the liberty of calling your lordship's attention to the fact that these refugees, who had been enjoying the hospitality of a neutral kingdom, were in reality persons, most of them British subjects, originally enlisted within this kingdom for an unlawful purpose, actually still engaged in the same business, and held together with a view of making a part of another enterprise of the same sort with that of the Alabama, conceived and executed in all its parts by agents of the rebels residing all the time, under the protection of her Majesty's neutral territory, at Liverpool.

The result, as displayed in the papers now submitted, shows conclusively that the "refuge" spoken of by your lordship has been turned into a den of robbers, and that the humanity so freely commended has, in its consequences, been productive of widespread suffering to many industrious and innocent men.

On the 18th of November, 1864, I had the honor to transmit to your lordship certain evidence which went to show that on the 8th of October preceding a steamer had been despatched, under the British flag, from London, called the Sea King, with a view to meet another steamer called the Laurel, likewise bearing that flag, despatched from Liverpool on he 9th of the same month, at some point near the island of Madeira. These vessels were

at the time of sailing equipped and manned by British subjects; yet they were sent out with arms, munitions of war, supplies, officers and enlisted men, for the purpose of initiating a hostile enterprise to the people of the United States, with whom Great Britain was at the time under solemn obligations to preserve the peace.

It further appears that, on or about the 18th of the same month, these vessels met at the place agreed upon, and there the British commander of the Sea King made a private transfer of the vessel to a person of whom he then declared to the crew his knowledge that he was about to embark on an expedition of the kind described. Thus knowing its nature, he nevertheless went on to urge these seamen, being British subjects themselves, to enlist as members of it.

It is also clear that a transfer then took place from the British bark Laurel of the arms of every kind with which she was laden for this same object; and, lastly, of a number of persons, some calling themselves officers, who had been brought from Liverpool expressly to take part in the enterprise. Of these last a considerable portion consisted of the very same persons, many of them British subjects, who had been rescued from the waves by British intervention at the moment when they had surrendered from the sinking Alabama, the previous history of which is but too well known to your lordship.

Thus equipped, fitted out, and armed, from Great Britain, the successor to the destroyed corsair, now assuming the name of the Shenandoah, though in no other respect changing its British character, addressed itself at once to the work for which it had been intended. At no time in her later career has she ever reached a port of the country which her commander has pretended to represent. At no instant has she earned any national characteristic other than that with which she started from Great Britain. She has thus far roamed over the ocean, receiving her sole protection against the consequences of the most piratical acts from the gift of a nominal title which Great Britain first bestowed upon her contrivers, and then recognized as legitimating their successful fraud.

I am not unmindful of the grounds which have been heretofore assigned by your lordship as releasing her Majesty's government from responsibility for the flagrant conduct of this vessel. It is urged that there is no power to prevent vessels bearing the semblance of merchant ships from leaving the ports of this kingdom, and meeting each other at some place on the ocean, far beyond her Majesty's jurisdiction, for the execution of a purpose like that now in question. The parties to it violate no law of the land, provided they commit no offence against the neutrality of the kingdom within its territorial limits. While I cannot myself quite appreciate the force of this reasoning, so far as it may be applicable to absolve one nation from its international obligations with another merely on account of the skill of its subjects in evading the local law, I am, at the same time, not indisposed to underrate the difficulties which the best-intentioned government may, in performing its duty, experience from that cause. Its will may certainly be sometimes baffled by the arts of desperate and profligate adventurers. Did the merit of this case depend upon the mere fact of the escape of the vessel from a British port, by eluding the vigilance of the authorities, it might perhaps be considered as not entailing upon her Majesty's government so heavy a responsibility. There are other circumstances connected with that event which aggravate its nature. One of the most grave appears to be the fact that, after the escape had occurred and the nefarious project had been consummated, her Majesty's government nevertheless, instead of taking prompt measures to denounce the transaction thus completed in defiance of its authority and refusing to give it the smallest countenance in any British port, deliberately proceeded to accept the result as legitimate, and to direct that this vessel, so constituted, should be from that moment entitled to all the privileges which an honest belligerent might claim, or any vessel of the United States would enjoy.

The consequences of what I cannot but regard as this most unfortunate construction of international law, by which success in committing the fraud was made the only test to purge it of its offensive nature, have been manifested in the manner in which the Shenandoah was received wherever it went in the British dependencies.

The supplies there obtained, under one pretence and another, particularly in the remote ports of Australia, have enabled this vessel to keep the seas and continue her depredations, long after she has been stripped of the last shadow of the character with which her Majesty's government voluntarily chose to invest her at the outset.

It is impossible to read the papers which have been forwarded to my government from the consul at Melbourne, copies of which are submitted with this note, without feeling that in no instance on record have similar concessions been made to a vessel of such a fraudulent origin, or such offensive partiality been manifested towards it by a portion of a nation professing to style itself neutral. In consenting to receive this vessel, after the facts of its illegal origin and outfit had been satisfactorily established, I cannot resist the conviction that her Majesty's government assumed a responsibility for all the damage which it has done, and which, down to the latest accounts, it was still doing, to the peaceful commerce of the United States on the ocean.

I pray permission to call your lordship's attention to still another of the circumstances which appear to me among the most grave belonging to this case. This enterprise seems to have been the last of the series conceived, planned, and executed exclusively within the limits of this kingdom. It emanated from persons established here since the beginning of the war

as agents of the rebel authorities, who have been more effectively employed in the direction and superintendence of hostile operations than if they had been situated in Richmond itself. In other words, so far as the naval branch of warfare is concerned, the real bureau was fixed at Liverpool and not in the United States. The vessels were constructed or purchased; the seamen enlisted; the armament obtained; the supplies of every kind procured; the cruises projected, and the officers and men regularly paid here; in other words, all the war made on the ocean has been made from England as the starting point.

I have had the honor to furnish, from time to time, to your lordship, evidence of the most conclusive character touching most of these points, and I have even designated the chief individuals to whom the supreme direction of the operations had been intrusted. I fail to be able to recall in history a case of more flagrant and systematic abuse of the neutrality of a country by a belligerent kept up for an equal length of time. But what I cannot but think still more remarkable, is that, notwithstanding the fact of the frequent representations and remonstrances made by myself, under the instructions of my government, so far as I have been permitted to learn, not a single éffort was ever made by her Majesty's government, either to prevent or to punish the persons known to be engaged in this most extraordinary violation of the law of the land. Prosecutions have been instituted, indeed, against a few persons who were alleged to have been acting in contravention of the provisions of the enlistment act. Mr. Rumble, after escaping from justice by the leniency of a jury, received a decided censure from the government. Captain Corbett, the officer commanding the Sea King, though prosecuted, appears never to have been brought to trial. But all these and a few minor cases were exclusively those of British subjects, who appear to have been acting merely as instruments of a power above their heads.

Not a single individual directly connected with the rebellion and sent here to conduct the operations has ever been molested in any manner. It cannot, therefore, be at all a matter of surprise, when the main spring of the various naval enterprises, the director of the Alabamas, Floridas, Georgias, and Shenandoahs, was left wholly undisturbed, that it has been impossible to put a stop to the damage which has ensued to the people of the United States from the ravage and depredation committed upon them by the operations carried on from this kingdom. At the very time when the fortunate encounter of the Alabama by the United States steamer Kearsarge terminated in the destruction of one of these corsairs, the offspring of the violated law of this land, and when the people of the United States were congratulating themselves that one great cause of irritation between the two countries was at last laid to rest, it now appears that the directing power to which I alluded at once turned its attention to a husbanding of the seamen saved by a trick from the hands of the victor, with a view to the immediate production of a successor to the same work. The evidence which I now have the honor to submit shows that many of the crew saved from the Alabama have been from the beginning, and still continue to be, a part of the crew of the Shenandoah.

Neither does it appear from anything within my knowledge that the smallest attention was ever paid by her Majesty's government to the representations which I had the honor to submit at the time touching the probability of precisely such an operation.

That the principal person engaged in the direction of this bureau was an officer by the name of J. D. Bullock, expressly despatched from Richmond for the purpose of organizing it, is a fact to which I had the honor to call your lordship's attention in many different forms during the progress of the struggle. Yet, in spite of all this evidence, Mr. Bullock appears to have been permitted to conduct his operations, and especially to shape the outfit and the entire cruise of the Shenandoah, without the smallest interference from any official quarters.

It may, however, be objected that whatever may have been the nature of my remonstrances, no sufficient evidence was presented of the official character and proceedings of Mr. Bullock to sustain the initiation of any prosecution against him in the courts; to which I am pained to be constrained to reply that my government has reason to believe that her Majesty's government has in one instance considered that evidence sufficient to sustain it in recognizing the authority of Mr. Bullock over the commander of the Shenandoah, so far as to stop its career, in consenting to furnish the medium by which to transmit his orders to that vessel. The power to prevent certainly implies the previous existence of a power to control. I beg permission to express the hope that inasmuch as the papers in which this fact appears have not come into the hands of my government by direct communication from your lordship, I may presume them not to be genuine.

Should the fact be otherwise, however, whilst readily conceding that the motive for such a proceeding may have been substantially of the most friendly nature in accelerating the termination of the ravage committed by that vessel, I do not at the same time feel at liberty longer to disguise from your lordship the sense of extreme surprise which the knowledge of it has caused, not less on account of the singular recognition thus incidentally made of the authority of one so long since pointed out as the principal offender against the neutrality of this kingdom, and enjoying a degree of impunity difficult to be understood. than of the fact that her Majesty's government appears to have determined thus to act without deigning any friendly signification of its purpose to the party most directly interested in the decision.

Since the preceding was written I have had the honor to receive unofficially from your lordship the gratifying intelligence that her Majesty's government have decided to send orders to

detain the Shenandoah if she comes into any of her Majesty's ports, and to capture her if she be found on the high seas. I have taken great pleasure in transmitting this to my government; at the same time I trust I may be pardoned if I am compelled to remark that had her Majesty's government felt it to be consistent with its views to adopt this course at the time when it adopted that upon which it has been my painful duty to animadvert, it would have most materially contributed to allay the irritation in my own country, inseparable from the later outrages committed by that vessel.

Having thus acquitted myself of the unpleasant duty with which I have been charged, I pray your lordship to accept the assurances of my highest consideration, with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

[Enclosures.]

Copies of all the papers transmitted with Mr. Seward's Nos. 1539, of 7th September, and 1541, of the 11th of September, 1865, to Mr. Adams.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 25, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, and its enclosures, respecting the Shenandoah; and I have to state to you that your representations shall be duly considered by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1571.] DEPARTMENT OF STATE,
Washington, October 31, 1865.

SIR: I have received your despatch of the 29th ultimo, No. 1059, accompanied by copies of the London Times of the 26th, 27th, and 29th of September.

That of the 26th contains an article which betrays the uneasiness that is felt regarding the continued depredations of the Shenandoah, and the other two relate more particularly to the President and his policy. You will be pleased to accept my thanks for your obliging attention in sending these papers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1572.] DEPARTMENT OF STATE,
Washington, October 31, 1865.

SIR: I have to acknowledge with much satisfaction the receipt of your despatch of the 14th instant, No. 1066, transmitting a copy of a paper issued from the Foreign Office directing the withdrawal of all restrictions heretofore placed upon United States naval vessels in British ports and waters. I enclose for your information a copy of a letter upon the subject which I addressed to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Welles.

DEPARTMENT OF STATE,
Washington, October 30, 1865.

SIR: I have the satisfaction of submitting for your information a copy of a despatch which has just been received from Mr. Adams, together with its accompaniment, a copy of a note of Earl Russell, relating to the restrictions upon American national vessels which lately were maintained by her Majesty's government in British ports and waters.

The despatch shows that all the objectionable restraints referred to have now been entirely removed, and that it is the desire and intention of her Majesty's government that unrestricted hospitality and friendship shall be shown to vessels-of-war of the United States in all her Majesty's ports, whether at home or abroad.

The President has directed me to make known to her Majesty's government his satisfaction with this pleasing manifestation of consideration and justice on the part of Great Britain. I have therefore to request you to inform the naval officers of the United States that the instructions which have heretofore been given them to make discriminations in regard to their visits in British ports and their intercourse with British naval vessels are now countermanded and withdrawn, and that henceforth most liberal hospitality and courtesy will be expected to be shown by the navy of the United States to the navy of Great Britain.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. GIDEON WELLES,
Secretary of the Navy.

Mr. Seward to Mr. Adams.

No. 1573.] DEPARTMENT OF STATE,
Washington, October 31, 1865.

SIR: Your despatch of the 12th instant, No. 1064, with the accompanying copies of your correspondence with Earl Russell upon the subject of our claims against Great Britain, and the Morning Post of the 11th, have been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1575.] DEPARTMENT OF STATE,
Washington, October 31, 1865.

SIR: Your despatch of the 5th instant, No. 1061, accompanied by a copy of the correspondence which passed between yourself and Earl Russell regarding a rumor of certain supposed visits of the United States steamer Niagara to the Irish coast within a short time, has been received, and your action in the premises is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1577.] DEPARTMENT OF STATE,
Washington, November 4, 1865.

SIR: Your despatch No. 1069 has been received. It is accompanied by a newspaper report of an opinion given by Mr. Fleming, the Queen's counsel, on the subject of the rebel loan. It is regretted that the holders of this loan are

so uncommunicative in regard to their names and their social and political position. Although the immediate injurious effects of their hostility to the United States have been arrested by the suppression of the rebellion, yet the information so carefully withheld might be useful in enlightening us as to the real state of British opinion in regard to our international affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1579.] DEPARTMENT OF STATE,
Washington, November 4, 1865.

SIR: During the seasons of spring and summer, which have now passed, you transmitted to this department the manifold expressions which were made by the government, public authorities, civic, ecclesiastical, and educational corporations and associations, as well as by public assemblies of citizens and by individual citizens of the realm, of their feelings of sympathy and condolence with the government and people of the United States in the calamity which they had suffered in the lamented death of the late President, Abraham Lincoln. The same proceedings spoke in one voice the language of indignant reprobation against the perfidious political crime of assassination, by which the eminently useful and honorable career of the late Chief Magistrate was so abruptly brought to a fearful, yet, for him, most triumphant end.

Owing to some peculiar casualties, the efficiency of this department was impaired at the time these despatches were received. They obtained only a simple and formal acknowledgment from the presiding secretary, and no instructions were given you concerning the recognition of the papers alluded to by this government. I have now to inform you that all of the communications thus received were, without any delay, submitted to the President of the United States, and were read by him with profound emotions of sensibility and gratitude. It was his expectation that the parties from whom these generous and sympathetic utterances had come would be duly and promptly assured of their consolatory influence, not only upon himself but upon the whole American people. It is deeply regretted by this government that this expectation of the President was found impracticable.

Our government, simply constructed with adaptation to the transaction of necessary affairs in the ordinary course of administration, found itself in the condition of this department, which then existed, inadequate to the immediate acknowledgment of such various and vast obligations suddenly and unexpectedly incurred.

The regret, however, is in some measure mitigated by the fact that these expressions of British sympathy and good will were only a part of similar manifestations of the same feelings which occurred in every part of the world. Nevertheless, the President earnestly desires that recognition shall even now be made of the sympathies and condolences which were then poured in upon us with a profusion that did honor to human nature.

You will attempt to execute this purpose, so far as Great Britain is concerned, by giving to Earl Russell a copy of this despatch, and by promulgating it in England, either with or without accompanying references to the addresses, resolutions, letters, and other testimonials to which I have referred, as shall be found practicable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., *London.*

Mr. Seward to Mr. Adams.

No. 1580.] DEPARTMENT OF STATE,
Washington, November 4, 1865.

SIR: I have to acknowledge your two despatches, one of 19th October, No. 1067, and the other of the 20th of October, No. 1072. Previously to the receipt of these despatches your closing argument on the subjects of the claims of this government against her Majesty's government, growing out of the depredations of the Alabama and kindred vessels upon American commerce, had been submitted to the President, and considered by him with careful attention. I have now to inform you that this government commends and approves that elaborate argument, and consequently you are authorized to state that the United States respectfully adhere to the claims upon which you have thus insisted.

I also approve of your note to Earl Russell of the 17th October, in which you informed his lordship that henceforward no proposition of arbitration upon the class of claims before referred to will be insisted upon or submitted by this government. I approve also of your proceeding in asking Earl Russell to explain and distinguish as well what, among the classes of claims existing between the two governments, her Majesty's government is willing to refer to such joint commission as that government has proposed, as also what classes it is not willing so to refer.

Your application in that respect was made in exact conformity with my instructions No. 1551. It is observed, however, that the necessity for the application had in the mean time been removed by a note written by Earl Russell to you on the 15th October, a copy of which is appended to your No. 1067. In that note his lordship, as we anticipated, has now informed us that our claims for depredations committed by the Alabama and kindred vessels upon our commerce fall within the class of claims in regard to which her Majesty's government are not prepared to consent to a reference to such a joint commission as they proposed.

Adhering, as this government does, to the opinion that our claims of that class are just and reasonable, it has now no occasion to delay giving an answer to the earl's proposition. You will therefore inform his lordship that the proposition of her Majesty's government for the creating of a joint commission is respectfully declined.

In view of the actual condition of the correspondence between the two countries, no explanation of the reasons for the decision is believed to be necessary. You will, however, exercise your discretion upon this point.

Of course you will not be inattentive to any temporary inconvenience under which the ministry may be laboring in consequence of the death of the distinguished minister who has so long presided in the cabinet.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*

Mr. Seward to Mr. Adams.

No. 1582.] DEPARTMENT OF STATE,
Washington, November 4, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 19th October, relative to the question which the vice-consul at Liverpool has addressed to you concerning the release of a certain quantity of cotton at that place. A copy of your despatch has been communicated to Mr. Cushing.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*

Mr. Adams to Mr. Seward.

No. 1080.] LEGATION OF THE UNITED STATES,
London, November 9, 1865.

SIR: I have to acknowledge the reception from the department of despatches numbered from 1564 to 1568, inclusive.

On Saturday last, the 3d instant, I received a note from Lord Russell, announcing to me the fact of his acceptance of the post of first commissioner of the treasury tendered to him by the Queen, and of the consequence, his vacating of the foreign office. He announced Lord Clarendon to be his successor, without any change of the policy heretofore adopted.

Simultaneously came the customary note from the new secretary announcing his appointment, and furthermore that he should be glad to receive me at the foreign office at three o'clock on the Monday following.

My replies in each case followed the usual form heretofore practiced on such an occasion. On Monday, at the appointed time, I repaired to the office, where I found most of the members of the corps diplomatique assembled under similar invitations. We were subsequently introduced successively in the order of our standing, and after a few words of conversation with the new minister, took our leave. Thus the forms of change are now completed, so far as the foreign office is concerned. There is, however, a vacancy thus made by the transfer of Lord Clarendon from the place of chancellor of the duchy of Lancaster, which as yet remains unfilled. It is stated that no further steps are contemplated at present. The reason assigned is that the appointment of members of a House of Commons which has not yet been summoned or organized, though desirable, would be attended with a practical difficulty, in the fact that they must first vacate their seats, and there is no speaker in being through whom to issue writs for new elections. Hence, at the assembling of the houses, they would be in the anomalous situation of ministers without seats in Parliament, which is not consistent with the customs of the British constitution.

It is therefore not impossible that the ministry may go on for more than two months longer substantially in its present condition. Changes will then be attempted with a view to place a larger proportion of the cabinet in the lower house. But as yet there is no marked indication in the character of persons likely to be selected. The impression is pretty general that, whatever may be the construction, it will not last long. Judging from the policy marked out by the Times, which has no good-will to Lord Russell, the object aimed at will be the creation of a composite fabric, with the design to adjourn, if possible, every successful attempt at a reform bill.

So far as the interest of the United States is concerned, since Lord Russell has so precipitately occluded himself from any avenue to a settlement of the questions in controversy, I am not sure that some change which would free the moderate and conciliatory members from their present shackles and place them in opposition to the ministry might not in the end prove to the advantage of both countries.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington, D. C.*

Mr. Adams to Mr. Seward.

No. 1081.] LEGATION OF THE UNITED STATES,
London, November 9, 1865.

SIR: I transmit herewith a copy of the last note addressed to me by Lord Russell, as foreign secretary, being his reply to mine of the 18th of September,

respecting the claims for indemnity for the depredations of cruisers fitted out in this kingdom; also printed copies of two memoranda which came in the same cover with it.

I shall not be able to get a copy of my note to Lord Clarendon in rejoinder ready for the steamer this week. It will, however, follow in the next. I trust that it puts an end to all further attempts to cite American precedents in justification of any of the late British proceedings.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, November 2, 1865.
2. Memorendum on American war of independence.
3. Memorandum on representations made by Mr. Adams of breaches of neutrality.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 2, 1865.

SIR: Her Majesty's government have duly considered your letter of the 18th of September, and, however unwilling I may be to prolong this discussion, I find it absolutely necessary to clear up some misconceptions as to the course and conduct of Great Britain during the recent contest in America.

I do not consider it incumbent upon me, however, to repeat or enlarge upon my arguments in reference to the alleged precipitate recognition of belligerent rights, or the contrast you draw between the conduct of her Majesty's government in the late civil war and that of France during the American war of independence.

The existence of belligerent rights is, Mr. Canning said, a question of fact rather than of opinion; and if the fact of a vast insurrection is developed suddenly, rapidly, and completely, the case must, I conceive, be treated by other nations in a different manner from the case of a rebellion breaking out partially, slowly, and gradually. Nor do I conceive it is necessary to point out the difference between the conduct of France acknowledging the United States of America as an independent state, and forming treaties with the government of that state within two years of the declaration of independence, and the patient neutrality of Great Britain, notwithstanding the interruption of her commerce and the immense losses suffered by her people during four years, and until victory had declared in favor of the government against which the insurrection was directed. I cannot forbear, however, to express some surprise at the apparent confidence you express that her Majesty's government will acquiesce in a doctrine which the United States during more than thirty years declared to be opposed to the law and practice of nations, and that her Majesty's government will grant reparation on grounds which, when urged by Portugal in a similar case, the United States positively, constantly, and solemnly rejected.

Thus I find that in November, 1850, the Portuguese minister at Washington, in an able summary of the Portuguese claims, after relating that upwards of sixty Portuguese vessels had been captured or plundered; that the fitting out at Baltimore of the privateers which effected their capture was notorious; and that many leading citizens of Baltimore, including the sheriff and postmaster, were summoned before the courts as interested in those privateers, adds:

"The undersigned begs leave to say, and he submits, that it was the duty of the United States government to exercise a reasonable degree of diligence to prevent these proceedings of its citizens, and that having failed to do so, a just claim exists on the part of the government of Portugal, in behalf of its despoiled subjects, against the United States for the amount of the losses sustained by reason thereof."

But did the United States admit the claim thus courteously preferred? I cannot find that even any reply was returned to the Portuguese minister.

Probably the United States government relied on the answers which, from 1816 to 1822, and from 1822 to 1828, had been given to the ministers of Portugal.

These answers were, in substance, that prosecutions would be instituted if evidence were forthcoming. Thus, in reply to a letter of the Portuguese minister of December 11, 1816, respecting John Daniels, the supposed commander of a privateer, Mr. John Quincy Adams says:

"The attorney of the United States for the district of Maryland, under instructions from this department, will commence a prosecution against him, *if evidence shall appear sufficient for convicting him of having violated the laws of the United States, by outrages committed upon any of the subjects of Portugal.*

"I have the honor of giving you this notice in reference to your letter above mentioned, and

of requesting you to give directions that any testimony which may be material for the commencement of a prosecution, and which it may be in your power to indicate, may be made known to Elias Glenn, the district attorney of the United States at Baltimore, who is directed to prosecute conformably to the laws any persons against whom the evidence obtainable shall be sufficient to warrant his conviction."

Exactly similar to this conduct, on the part of your government, has been the conduct of her Majesty's government in the late war. In the case of the Alabama I asked for evidence sufficient to obtain a verdict, and as I could not myself judge of the sufficiency of the evidence you tendered, I referred the question to the law officers of the Crown.

If it is asserted that I did not use reasonable diligence, or that the late or the present attorney general were either ignorant of the law, or purposely misstated it, I can only respectfully but decidedly repel any such charge, both for myself and for the law officers of the Crown.

Yet, although our conduct has been precisely similar to that of your own government to Portugal, you now draw an alarming picture of the consequences which may arise from such conduct; for you say, "If it be once fairly established as a principle of the international code, that a neutral power is the sole judge of the degree to which it has done its duty, under a code of its own making, for the prevention of gross and flagrant outrages initiated in its own ports by the agents of one belligerent in co-operation with numbers of its own subjects, and perpetrated upon the commerce of the other on the high seas; if it be conceded that the neutral, upon reclamation made for the injuries thus done by reason of the manifest inefficacy of its means of repression, which it has at all times the power to improve at will, can deliberately decline to respond to any such appeal, fall back upon the little that it has attempted as an excuse, and thenceforward claim with justice to be released from the inevitable consequences that must ensue from its inaction, then it must surely follow that the only competition between neutral powers hereafter will be, not which shall do the most, but which shall do the least to fulfil its obligations of interdiction of the industry and enterprise of its people in promoting the conflicts that take place between belligerents on the ocean."

Yet, as far as I can judge, your Secretaries of State always maintained that the United States, as a neutral power, were "the sole judges of the degree in which it had done its duty under a code of its own making."

But now, as to the code, I fully admit that the laws of Congress of 1817 and 1818 differ from the act of 1794. The chief difference appears to me to lie in the provision that, besides princes and states specified in the act of 1794, the act of 1818 extends to colony, district, or people.

But so does, in other words, our act of 1819. There are other differences, however, and to those I suppose you allude.

But for the reasons which I proceed to state, those other differences (of which I did not lose sight, while stating in my former letter that the main provisions of the act of Congress of 1818 had been adopted in our legislation of 1819, so far as they were considered applicable to the circumstances of this country,) have never appeared to her Majesty's government to be of any material importance.

The tenth section of the act of Congress of April 20, 1818, requires bonds to be given "*by the owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof*," in double the value of the ship and cargo, against the employment of such ship or vessel, "*by such owners*," to cruise or commit hostilities against the subjects, &c., of any province or state with whom the United States are at peace.

The eleventh section is in these words: "And be it further enacted, that the collectors of the customs be, and they are hereby, respectfully authorized and required to detain any vessel, *manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war*, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property, of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act."

Now, I contend, first, that for ten years these provisions proved utterly inefficacious to prevent the fitting out of privateers at Baltimore, as shown by the fact that the complaints of the Portuguese ministers of captures and plundering by American privateers were more frequent, and extended to a larger amount of property after 1818 than they had done from 1816 to 1818.

But, secondly, I observe that the tenth section applies only to vessels which are already armed before they sail out of the ports of the United States, and which belong (wholly or in part) to United States citizens; and the security taken under this section is only against their employment "by such owners" to cruise, &c., leaving those owners at liberty, without forfeiting their bonds, to transfer the vessels to others who might afterwards so employ them.

The eleventh section applies only to vessels "manifestly built for warlike purposes, and of which the cargo shall principally consist of arms and munitions of war;" and I think it

is quite clear that had we so amended our law, and had it been found applicable in any cases, the owners of the vessels might easily have given the bonds required, and might as easily have sent their vessels to sea, forfeiting (or not forfeiting, as the event might have turned out) the amount of their bonds. The great armies equipped and fed by the confederates—their vast magazines—the money advanced for the Birkenhead rams, show conclusively that if her Majesty's government had relied on such provisions as the tenth and eleventh sections of the act of Congress, many vessels, probably including the rams at Birkenhead, would have escaped and have been employed in breaking the blockade of Charleston and other southern ports. Be that as it may, however, these provisions of the act of Congress clearly would not be applicable to the Alabama, Florida, Georgia, Shenandoah, and vessels of that class, none of which, when they left this country, were either "armed ships or vessels," or had on board any cargo consisting "principally" (or at all) "of arms and munitions of war," neither would they have been applicable to the ships which carried out arms, &c., to those vessels, but which were themselves neither armed nor "intended to be employed by the owner or owners to cruise or commit hostilities."

If, therefore, such provisions had been contained in the British statute, they would have proved simply nugatory, and would have added nothing, in any of the cases which have actually happened, to the powers of prevention given by the act as it stands. In that case, what would have been our position? We should have been reproached more than ever in America for the insincerity of our proceeding, and our inactivity in executing our own law. Results would have been appealed to, as you appeal to them in the letter to which I am now giving an answer.

In the case of the "Birkenhead rams," we had first the evidence in their construction itself, that they were built for warlike purposes; next, a copy of the contract by which Mr. Bullock, the confederate agent, agreed to sell these vessels to Mr. Bravay; next, the proof that their Egyptian names, &c., were only a fiction, the viceroy of Egypt having positively refused to buy them.

These and other circumstances amounted to a presumptive proof that those formidable vessels were intended for the purpose of making war on the United States; and you are already aware of the conduct of the government when they had, as in this instance, a case upon which they could proceed.

On the other side, take the case of the Sea King. She was a merchant ship, unarmed, which went from the Thames to a foreign port. Our foreign enlistment act, like yours, requires two things to be proved: First, that the vessel is fitted out, armed or equipped for warlike purposes; but secondly, it is not enough to prove that the vessel is fitted out, armed or equipped for purposes of war. The warlike intent must be directed against some prince or state in friendly relations with the Crown of Great Britain. Now, on neither of these points did you furnish us, nor did we possess, a title of evidence against the Sea King, yet you hold us responsible for all the depredations she may have committed on the high seas.

It must not be forgotten, that in a free country the Crown cannot act upon mere vague suspicion, without some evidence to submit to a jury; and that trial by jury affords to British subjects the same protection which, in an ordinary state of peace, American citizens enjoy in your own country.

Her Majesty's government desires to be on the most friendly terms with the United States, but are not prepared to accede to any demand which aims at the diminution of our freedom, or which assume (without warrant from any previously recognized authority or practice) the existence of an extent of obligation on the part of neutrals towards belligerents, going beyond any which the government of a free country could have power, though acting with entire good faith, punctually to fulfil.

Yet it appears to me, I confess, that as neither the law of the United States nor our own foreign enlistment act have proved upon trial completely efficacious, it is worth consideration whether improvements may not be made in the statutes of both nations, so that for the future each government may have in its own territory as much security as our free institutions will permit against those who act in defiance of the intention of the sovereign, and evade the letter of its laws.

I have the honor to enclose a memorandum in regard to our own conduct during the American war in reference to a passage in your letter, (enclosure No. 1,) and a second memorandum, showing in what manner your various complaints during the recent civil war have been disposed of, (enclosure No. 2.)

I have in conclusion only to repeat, in this the last letter which I shall have the honor to address to you on this subject, my sincere and earnest hopes that our two countries, now both relieved from the stain and guilt of slavery, may perform their part in the world in peace and good will.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[Document referred to in Mr. Adams's despatch No. 1081.]

Memorandum respecting representations made by Mr. Adams of breaches of neutrality during the civil war.

1. Bermuda.—August 15, 1861.

Letter acknowledged and referred to treasury August 15.

Steamer said to be fitting out for confederates at Hartlepool. Not a case for interference. Proved to be a blockade-runner.

2. Sumter.—September 30, 1861.

Complaint of the Sumter having been acknowledged as a ship-of-war at Trinidad by the governor and the captain of her Majesty's ship Cadmus.

The circumstances had been already reported, and the opinion of the law officers taken, (September 16,) who decided that no irregularity had been committed. Mr. Adams was informed accordingly.

The Sumter had run the blockade of the Mississippi, whence she went to Puerto Cabello, and then to Trinidad. She was afterwards laid up at Gibraltar, where she was watched by the United States steamer Tuscarora. While at Gibraltar the captain was assassinated by the lieutenant. The ship was dismantled and sold to a British firm in December, 1862, and came to Liverpool. Her proceedings there occasioned a subsequent correspondence.

3. Establishment of a confederate depot at Nassau.—October 1, 1861.

Letter acknowledged and referred to colonial office October 8.

The allegations in Mr. Adams's letter were denied by Mr. H. Adderley, the person who was stated to have the shipment of the supplies, and Mr. Adams expressed his satisfaction at the denial. (Mr. Adams, January 10, 1862.)

4. Nashville.—November 22, 1861.

Acknowledged and referred to law officers November 23.

This was a complaint of the confederate steamer Nashville having been permitted to enter Southampton after having destroyed the American bark Harvey Birch.

The Nashville, which had escaped from Charleston, proved to be regularly commissioned as a ship-of-war, and was, under the advice of the law officers, acknowledged accordingly.

For correspondence as to the proceedings of the Nashville and United States steamer Tuscarora at Southampton, see Parliamentary papers, presented 1862.

5. Oreto, or Florida.—February 18, 1862.

Acknowledged and referred to treasury February 18.

Alleged to be fitting at Liverpool for the confederate service.

The customs officers reported that she was intended for a merchant vessel, and was stated to be going to Italy. No proof was forthcoming of her equipment, and she sailed, March 22, without any armament on board. On arriving at Nassau she was seized by her Majesty's ship Greyhound for violation of foreign enlistment act. The case was tried in the vice-admiralty court, and the ship released, August 2, 1862. She then ran the blockade at Mobile, and, having armed there, escaped again as the Florida ship-of-war, under the command of Captain Maffit.

Her career continued until her seizure in the harbor of Bahia by the United States ship Wachusetts, in October, 1864.

Reference to foreign enlistment act.—In the second representation made by Mr. Adams, March 25, 1862, the following passage occurs, which, as being the first reference to the operation of the foreign enlistment act, may be worthy of remark:

"It is with the deepest regret that the President directs me to submit to her Majesty's government a representation of the unfortunate effect produced upon the minds of the people of the United States from the conviction that nearly all of the assistance that is now obtained from abroad by the persons still in arms against their government, and which enables them to continue the struggle, comes from the kingdom of Great Britain and its dependencies. Neither is this impression relieved by the information that the existing municipal laws are found to be insufficient, and do not furnish means of prevention adequate to the emergency."

6. Blockade-runners laden in England.—March 10, 1862.

Letter acknowledged March 13. Referred to law officers March 12, who decided (March 22) that her Majesty's government could not interfere.

7. Emily St. Pierre.—April 24, 1862.

Acknowledged and referred to law officers April 24.

A blockade-runner, which, after capture, was rescued by her master and two men from the prize crew and brought to Liverpool.

Under advice of law officers her Majesty's government refused to interfere.

8. Alabama.—June 23, 1862.

Acknowledged, referred to treasury and law officers June 25.

A vessel known as the No. 290, building by Messrs. Laird at Liverpool. Law officers reported (June 30) that there was not sufficient evidence to proceed on, but that the vessel

should be watched. The reports received from the customs were sent to Mr. Adams, (July 4,) with a suggestion that the United States consul at Liverpool should procure further proofs of equipment, &c. Mr. Adams acknowledged, and promised to act on, this suggestion (July 7.) He sent further depositions accordingly, (July 22 and 24,) and accompanied the latter letter by an opinion of Mr. Collier in favor of seizure. The law officers reported (July 29) that she should be seized; but, on the morning of the 29th, she had sailed from the Mersey, under pretext of a trial trip. A copy of the law officers' opinion was sent to the Bahamas in case of the Alabama going there. She, however, proceeded to Angra Bay, Azores, where she met the Bahama and Agrippina, with her armament, her commander, Captain Semmes, and forty-two seamen. She then hoisted the confederate flag, and sailed for Port Royal, Martinique; next to Blanco island, (belonging to Venezuela,) where she coaled: then to Arcas Keyes; then destroyed the United States ship Hatteras off Galveston, and afterwards to Jamaica, where she was received and recognized as a regularly commissioned ship-of-war.

She continued her depredations at the Cape of Good Hope and elsewhere, until she was finally sunk by the United States ship Kearsarge, off Cherbourg, June 19, 1864.

Naval reserve men dismissed for engaging on board Alabama.—It having been found tha four naval reserve men had sailed in the Alabama on her first start, their names were erased from the naval reserve list.—(Admiralty, February 27, 1863.)

9. Hector.—November 17, 1862.

Referred to admiralty November 18.

This was an inquiry whether the Hector was building for her Majesty's government; and, after reference to the admiralty, was answered in the affirmative.

10. The Georgiana.—January 16, 1863.

Acknowledged and referred to treasury and home office January 17.

Said to be fitting at Liverpool for confederates, though Mr. Adams could not divulge the authority on which the statement was made.

The reports from the customs sent to Mr. Adams on the 18th, 19th, and 27th January, went to show that the vessel was not for war purposes.

She sailed on the 21st January for Nassau, and was wrecked in attempting to enter Charleston March 19, 1863.

11. Confederate agency in England.—February 9, 1863.

Acknowledged February 12; referred to law officers, treasury, and home office February 23.

This was the case of the intercepted correspondence.

Answered March 9; no cause to interfere.

12. Sumter, or Gibraltar, at Liverpool.—February 16, 1863.

Referred to law officers February 17.

After her sale at Gibraltar, (see No. 2,) the Sumter's name was changed to the Gibraltar. Mr. Adams complained of her being refitted for confederate service. The law officers reported March 3, and Mr. Adams was informed March 9 that there was no case for interference.

It appeared that guns were shipped on board the Gibraltar, but they proved to be siege guns. She was wrecked in attempting to enter Charleston in July.

13. Payment of the men, late of the Alabama, in England. Messrs. Klingender's agency.—March 4, 1863.

Acknowledged and referred to law officers March 12, 1863, who decided that no offence had been committed.

14. Phantom and Southerner.—March 26, 1863.

Acknowledged and referred to treasury and home office March 27, law officers June 2.

Phantom, fitting at Liverpool; Southerner, at Stockton-on-Tees. Mr. Adams informed that there was no ground for interference, July 3.

Both vessels proved to be intended for blockade-runners.

15. Alexandra.—March 30, 1863.

Acknowledged and referred to law officers, treasury, and home office March 31, 1863.

Reports were received from the treasury on the 31st, and home office April 1. On the 4th of April the law officers advised seizure.

The trial ended in the discharge of the vessel, and the costs and damages having been compromised for £3,700, she was delivered to the owners. She was then sent to Nassau, where she was again tried on a similar charge of the violation of foreign enlistment act, and again acquitted. She has remained there ever since, and is now known as the Mary.

16. The Virginia, or Japan.—April 8, 1863.

Acknowledged and referred to home office and treasury April 8.

When Mr. Adams complained, this vessel had already sailed from Greenock on the 2d of April for Alderney. Instructions were sent to the governor of Guernsey to have her watched. She did not, however, go to the Channel islands, but went to the coast of France, where she met a small steamer, the Alar, of Newhaven, off Morlaix, and took from her her crew and equipment. She then apparently went into Cherbourg.

An explanation was furnished to Mr. Adams April 21, and on the 30th of April the law officers reported that no offence under the foreign enlistment act had been committed by the

Alar. The Virginia was subsequently known as the Georgia, and her arrival in Liverpool in 1864 occasioned a further correspondence.

17. Iron-clads at Liverpool.—July 11, 1863.

Acknowledged, and referred to treasury, home office, and law officers, July 13.

These vessels, known as the El Mounassir and El Toussoon, and said to have been ordered of Messrs. Laird of Birkenhead by M. Bravay for the Egyptian government, were seized and eventually purchased for her Majesty's service.

18. Canton, or Pampero.—October 17, 1863.

Acknowledged, and referred to treasury, home office, and admiralty, October 19.

This vessel, which was being constructed in the Clyde, nominally as a merchant ship for the China trade, was, after inquiry, and under the advice of the lord advocate, seized and tried. The Crown took judgment by default, the case being undefended, and the vessel remained under seizure until the close of the war.—(*Lord Advocate, October* 19, 1865.)

19. Alleged confederate depot at Bermuda.—November 3, 1863.

Acknowledged, and referred to law officers, November 5, who reported (November 12) that there was no case for interference. Mr. Adams informed accordingly, November 27.

20. Rappahannock.—November 28, 1863.

Acknowledged November 30; referred to home office, admiralty, treasury, and law officers, November 29.

This vessel, formerly her Majesty's ship Victor, had been sold by the admiralty to Messrs. Coleman in October, but without masts or sails.—(*From Admiralty, October* 24, *to Admiralty, October* 24.)

She sailed from Sherness on the morning of the 25th of November in a very incomplete state, the riggers being still on board, and arrived at Calais on the 26th. These circumstances had already been reported when Mr. Adams's representation was received.

Prosecution of Mr. Rumball.—Mr. Rumball, the head of the outfitting or rigging department at Sheerness dock-yard, was prosecuted for his share in the transaction, but was acquitted on trial at the Queen's Bench on the 4th of February, 1865. He was, however, placed on half-pay.—(*To Mr. Adams, March* 8, 1865.)

Intended prosecution of Messrs. Anson and Brown.—It was also intended to prosecute two other persons, seamen, for engaging men to serve in the Rappahannock, under the name of the Scylla, but the prosecution was not carried out, the men having, it is believed, absconded.

The Rappahannock remained at Calais until the conclusion of the war, when she was sold to a British firm and brought to England.

21. Confederate agency at Liverpool.—December 7, 1863.

Acknowledged December 9, referred to law officers December 9.

This was the case of Jones & Co., accused of enlisting men for confederate service.

The law officers advised that J. Jones and R. Highat and their clerk, Wilding, and another person named Maltman, should be proceeded against.—(*Law officers, December* 12, 1863.)

The home office accordingly proceeded against the two principals at the spring assizes; the case was removed by writ of certiorari to the Queen's Bench, where they were both convicted; but certain points were reserved for argument at the next term, and on the 23d of November, 1864, they were condemned to pay a fine of £50 each.

22. Captain Cator.—December 29, 1863.

Acknowledged and referred to admiralty December 30, 1863.

This was a complaint that an officer in her Majesty's navy had been engaged in running the blockade. The admiralty reported that they had no knowledge of it, and could not interfere.—(*December* 31, 1863.)

23. Naval reserve men enlisted for Florida and Georgia.—January 11, 1864.

Acknowledged January 13; referred to home office January 13.

Three naval reserve men who were traced were struck off the list.—(*Admiralty, January* 21.)

24. Naval reserve men in Alabama.—January 13, 1864.

Acknowledged and referred to home office January 14.

Mr. Adams sent a list of nineteen men said to belong to naval reserve; but of this number, only three could be traced as actually belonging to it.—(*Admiralty, January* 29. *February* 18.)

25. Will-o'-the-Wisp.—February 22, 1864.

Acknowledged and referred to colonial office February 25.

This vessel was said to be going to Bermuda to convey stores to the confederate government.

No case appeared for interference.—(*Colonial Office, May* 16, 1864.)

26. Amphion.—March 18, 1864.

Acknowledged and referred to home office March 18.

Said to be equipping for confederates.

Law officers reported that no case was made out.—(*Law officers, March* 31.)

She was eventually sent to Copenhagen for sale as a merchant ship.

27. Hawk.—April 16, 1864.

Acknowledged and referred to home office, lord advocate, and treasury, April 18.

Supposed to be building at Renfrew for confederates; nominal owner, Mr. Begbie.

The case had been already reported on by customs, (*Treasury, April* 4,) and the papers sent to the lord advocate. On the 13th of April she left the Clyde without a register, and came to Greenhithe. The law officers decided (*April* 26) that there was not evidence to warrant detention, and the treasury were so informed May 6.

She proved to be a blockade-runner.—(*Home Office, January* 19, 1865.)

28. Enlistments for the Rappahannock.—April 16, 1864.

Referred to law officers April 18.

Four persons were charged with these enlistments, viz: Seymour, Cunningham, Buchanan, and Bradshaw. The law officers recommended they should be prosecuted.—(*Law officers, April* 28.)

The three first were proceeded against by home office, (*Home Office, July* 18, 1864, *August* 16, 1864.) Seymour pleaded guilty, and was discharged on recognizances to appear when called upon; Cunningham was tried and convicted, and similarly discharged on recognizances of £150; Buchanan pleaded guilty, and was similarly sentenced; Bradshaw was not prosecuted.

29. Georgia at Liverpool.—May 9, 1864.

Acknowledged and referred to law officers May 10.

This vessel, formerly the Virginia or Japan, (see No. 16,) arrived at Liverpool under confederate colors, and Mr. Adams complained of her reception in the character of a ship-of-war. It was, however, decided that she should be thus received. Soon afterwards she was dismantled and sold to the British firm of Bates & Co. as a merchant ship. Mr. Adams again complained, July 27, 1864, of her being refitted as a ship-of-war. This proved to be unfounded. Messrs. Bates sent her out to Portugal, but she was captured by the United States ship Niagara, off Lisbon, and taken to the United States as a prize.

Customs notification against dismantling or selling belligerent ships in British ports.—The circumstances of this case gave rise to the customs notification of the 11th August, forbidding the ships-of-war of the belligerents in America from being dismantled or sold in British ports.

30. Enlistments for Georgia.—May 28, 1864.

Acknowledged June 1, and referred to home office June 1.

Prosecution of Campbell.—This was a complaint against a person named Campbell, of Liverpool. Under advice of law officers, he was prosecuted by home office (*Home Office, June* 16, 1864) and pleaded guilty, and was discharged on recognizances of £150 to appear when called upon.

31. Shenandoah, or Sea King.—November 18, 1864.

Acknowledged November 19.

The case of this vessel had already been reported by her Majesty's consul at Teneriffe. The Sea King, a merchant vessel of an Indian trading company, was sent to Funchal, where she was met at Desertas, off Funchal, on the 20th of October, by the Laurel, Captain Corbett, with armament and crew. The transshipment took place there, and the Laurel returned to England, having touched at Funchal, on the 30th of October.

Prosecution of Captain Corbett.—The law officers recommended the prosecution of Captain Corbett for his share in inducing men to ship on board the Shenandoah. The home office instituted proceedings accordingly, (*Home Office, December* 2, 1864,) and the case stands for trial next term.

32. City of Richmond.—January 14, 1865.

Acknowledged January 16; referred to home office January 15, and to law officers January 19.

This vessel was engaged, as was stated, to carry the crew of the Florida, who had come to England from Brazil, from London to Nassau. The law officers reported that no case was made out.—(*Law officers, January* 20, 1865.)

33. Virginia and Louisa Ann Fanny.—January 30, 1865.

Acknowledged and referred to treasury February 1, 1865.

Vessel said to be in cource of equipment at London.

No case was established, and they both proved to be blockade-runners, as reported by the governor of the Bahamas, who had been instructed to watch their proceedings.—(*Colonial Office, April* 19 *and May* 11, 1865.)

34. Hercules and Ajax.—February 7, 1865.

Acknowledged and referred to treasury and home office February 8 and 9.

Both vessels built in the Clyde.

Ajax first proceeded to Ireland, and was detained at Queenstown by the mutiny of some of the crew, who declared she was for the confederate service. She was accordingly searched, but proved to be only fitted as a merchant ship. The governor of the Bahamas was instructed to watch her at Nassau. On her arrival there she was again overhauled, but

nothing suspicious discovered, and the governor reported that she was adapted and, he believed, intended for a tug-boat.

The Hercules being still in the Clyde, inquiries were made by the customs there, who reported that she was undoubtedly a tug-boat and the sister ship to the Ajax.

Upon receiving this report, it was proposed to prosecute the informant, Smith, for perjury, but it was found necessary for that purpose to produce the original affidavit, of which Mr. Adams had only sent a copy. Mr. Adams was, accordingly, written to for it on the 28th of June last, but nothing has since been done in the matter.

Mr. Adams's representations may be divided into four classes:

1. Outfit of vessels for the confederate navy in British ports.
2. Reception of confederate war-vessels in British ports.
3. Enlistments for the confederate service.
4. Miscellaneous.

1. *Outfit of vessels for the confederate navy in British ports.*

It will be seen from the foregoing statement that Mr. Adams complained of no less than nineteen vessels, viz:

1. Bermuda.
2. Oreto, or Florida.
3. Alabama.
4. Georgiana.
5. Phantom.
6. Southerner.
7. Alexandra.
8. Virginia, or Japan, (Georgia.)
9. 10. Iron-clads.
11. Canton, or Pampero.
12. Rappahannock.
13. Amphion.
14. Hawk.
15. Shenandoah, or Sea King.
16. Louisa Ann Fanny.
17. Virginia.
18. Hercules.
19. Ajax.

Of these, five subsequently hoisted the confederate ensign:

Oreto, or Florida.
Alabama.
Virginia, or Japan.
Rappahannock.
Shenandoah.

The Oreto, or Florida, besides having been watched by the customs previously to her leaving England, was seized and tried at Nassau, and acquitted. She then ran into Mobile, took her armament on board, and through the negligence of the blockading ship, United States ship Oneida, (whose captain, Captain Preble, was dismissed the service in consequence,) succeeded in escaping, and issued on her career as a regularly commissioned ship-of-war, the Florida. This vessel, therefore, cannot be said to have been equipped or fitted out in a British port, nor can the British home or colonial authorities be accused of any want of activity with regard to her.

The Alabama, it is true, succeeded in escaping by a trick on the morning of the very day on which she would have been seized. Her armament was taken on board off Terceira, and her first recognition as a confederate war-vessel was in a French (Port Royal, Martinique) and not a British port.

Virginia, or Japan. This vessel, it will have been observed, sailed before any information of her character had reached her Majesty's government, and was, in fact, taking in her armament in French waters on the very day on which Mr. Adams's representation was dated.

The same thing occurred with regard to the Rappahannock, which was at Calais on the 26th of November, 1863, Mr. Adams's representation not being received until the 28th. In this case, however, the precipitancy with which the vessel was despatched, in an incomplete state, to avoid detention, prevented her ever being available for service, and although she had the confederate flag flying when she entered Calais, she had neither guns nor ammunition on board.

The Shenandoah, or Sea King, escaped in a similar manner to the Virginia and Rappahannock; and the first intimation that was received of her proceedings was from her Majesty's consul at Teneriffe, reporting the transfer of crew and armament to her from the Laurel, at the Desertas, off Funchal. In this case, indeed, had information been received in time, it is not probable that she could have been detained, as she was a regular trading vessel, well known as the Sea King in the East India trade.

In fact, as regards all these five vessels, the case may be shortly stated that, in three instances, information was not received in time for her Majesty's government to take any measures of prevention; in one instance the vessel was equipped and armed in a confederate port, and in the remaining one the ship succeeded in baffling the vigilance of the authorities at the very moment of her intended seizure. The Virginia (Georgia,) the Alabama, and the Shenandoah were alike armed and manned in foreign waters.

During the four years of the civil war, from 1861 *to* 1865, *not a single armed ship for the confederate service was despatched from any port either of Great Britain or the British colonies; and only one vessel, the Alabama, which it could have been possible to detain, escaped for conversion into a cruiser.*

On the other hand, in looking at the preceding list, we see that four vessels were proceeded against in England, and thereby prevented from entering the confederate service, viz: the Alexandra, the two iron-clads, and the Canton, or Pampero. Although the prosecution of the first of these was not successful, it served to detain her for a long period; and a second prosecution, which was instituted at Nassau, has kept her under seizure until the end of the war; the iron-clads, the most formidable of all the intended cruisers, were thus similarly detained, and eventually purchased to avoid further litigation; while the Canton, or Pampero, was condemned and remained in the hands of the Crown until the occasion for her seizure had passed.

The remaining ten vessels denounced by Mr. Adams proved to be ordinary merchantmen, intended chiefly for running the blockade, which is not an offence amenable to the law. To these cases may be added the alleged refit of the Sumter at Liverpool, the report of which proved unfounded.

The list includes all the suspected vessels in British ports, with the exception of two—the Almandares and Pinero, which were alleged, though not by Mr. Adams, to be equipping at Montreal. No case was made out. (Colonial Office, February 6, 1865.)

When the delay in seizing the Alabama is so severely criticised by Mr. Adams, it must be remembered that in the two preceding representations his information had proved to be erroneous, the Bermuda being evidently not intended for a ship-of-war, and the Oreto having been found innocent in a court of law. The latter was subsequently converted into a cruiser, but the readiness with which a merchant vessel can be made available for belligerent purposes has been shown by the fact that the most efficient blockading ships in the federal navy were captured blockade-runners.

2. *Reception of confederate vessels-of-war in British ports.*

Sumter. This vessel, the first that appeared in European waters, was, as stated in the memorandum, regularly commissioned and equipped, and sailed from the Mississippi. The Nashville was likewise of American origin, having sailed from Charleston. She had been intended to bring the confederate commissioners to England, but it appearing doubtful whether her tonnage would admit of her crossing Charleston bar, they proceeded by another route. The first case of the destruction of a ship at sea, which was represented by Mr. Adams, arose out of the destruction of the Harvey Birch by the Nashville. He adduced it as a reason for her not being received in a British port.

Besides these two cruisers, the confederate government owned the Tuscaloosa, a prize of the Alabama, which was equipped and commissioned from the Alabama, and with regard to which a correspondence took place at the Cape of Good Hope. The Tallahassee, which escaped from Wilmington, and on her first cruise in six days is said to have destroyed fifty-four vessels. The Tallahassee was originally the blockade-runner Atlanta, and ended her career by being reconverted into a merchantman, the Chameleon, and brought to Liverpool. The Chickamauga, formerly the blockade-runner Edith, (Colonial Office, December 31, 1864,) whose history is obscure, as it does not appear where she sailed from or what became of her Besides these, there were one or two other small vessels, such as the Etta or Retribution, which made short cruises from blockaded ports to the Bahamas and West India islands.

There was also the Olinde, or Stonewall, which sailed from Bordeaux, and which, had she been able to enter on her career as a cruiser, would have been a most dangerous adversary.

It will be seen, therefore, that the principal confederate cruisers were not all of English origin; four of them having been regularly commissioned in confederate ports—Sumter, Nashville, Florida, and Tallahassee—and one, Stonewall, having sailed from a French port.

3. *Engagement of men for the confederate service.*

In each of these cases where evidence could be procured prosecutions were instituted, and where men of the Naval Reserve could be traced their names wefe erased from the Naval Reserve list. The cases represented were the following: Jones & Co., engagement of Naval Reserve men on board the Florida, Georgia, and Alabama; Campbell, of Liverpool; and enlistments for the Rappahannock.

4. *Miscellaneous.*

Under this head come the representations respecting the alleged confederate depots at Nassau and Bermuda; the proceedings of confederate agents in England; the lading of blockade-runners in England; Emily St. Pierre; confederate agency; payment of Alabama seamen; Captain Cator's employment in blockade-running; the shipment of stores for the confederate government in the Will-o'-the-Wisp; the conveyance of the Florida seamen to Nassau, in the City of Richmond; the reception of the converted Sumter or Gibraltar at Liverpool; and the sale and conversion of the Georgia there.

In none of these cases could her Majesty's government interfere.

SUMMARY OF STEPS TAKEN BY HER MAJESTY'S GOVERNMENT.

The following is a summary of the steps taken by her Majesty's government to prevent or punish breaches of the Queen's neutrality:

Proceedings taken with regard to vessels.

Five prosecuted—

1. Oreto, at Nassau.
2. Alexandra, in England and at Nassau.
3, 4. Iron-clads.
5. Canton, or Pampero.

Also orders given to detain the Alabama had she touched at Queenstown or Nassau after her evasion from Liverpool. The governor of the Bahamas was likewise instructed to watch other vessels, regarding which representations had been made, as the Louisa Ann Fanny, &c.

Prosecutions for engagement of men for confederate service.

1. Mr. Rumball, (Rappahannock,) acquitted.
2. Jones and Highat, (Georgia and Florida,) convicted.
3. Campbell, (Georgia,) convicted.
4. Seymour, Cunningham, and Buchanan, (Rappahannock,) convicted.
5. Captain Corbett, Shenandoah, case pending.

When it was found that such vessels as the Rappahannock and Amphion, although use less to her Majesty's navy, might be reconverted into confederate cruisers, instructions were given that no more ships should be sold out of her Majesty's navy.

Moreover, when Captain Osborne's fleet returned from China, and it was feared that the vessels composing it might fall into confederate hands, her Majesty's government interposed both in India and in England to prevent their sale.

When the sale and conversion of the Georgia was complained of, a customs notification was published forbidding vessels-of-war to be sold and dismantled in British ports.

Finally, as will have been shown by the preceding statement, every representation of Mr. Adams was considered immediately on its receipt, and referred, when requisite, to the law officers or other departments of her Majesty's government, without even a day's delay.

FOREIGN OFFICE, *October* 30, 1865.

Memorandum relative to the measures of coercion adopted by Great Britain during her contest with the North American Colonies; and also regarding the policy of foreign powers.

Extract from letter from Mr. Adams to Earl Russell of September 18, 1865.

"In respect to this, may I be permitted to beg your attention to the fact that, with perhaps the exception of the gross number of the people engaged, I do think myself able to furnish an example of an insurrection in every particular corresponding to your description, which has occurred within the last century. I do not doubt that my allusion will at once be understood by your lordship without another word.

"Yet, notwithstanding all the points of identity in that case, I cannot find that her Majesty's government was met at the outset in 1774 with any announcement, by a foreign power in amity with Great Britain, of a necessity immediately to recognize the insurgents as a belligerent power, because of the magnitude of the struggle, or for any other cause. Neither is there the smallest ground for believing that it would have tolerated the proceeding for one moment, if it had been.

"Her Majesty's government at once resorted without scruple or hesitation to every right ordinarily exercised by a belligerent in a war with a strong power, and was met with a degree of resistance more effective and enduring than any manifested in the late struggle. That resistance, too, was carried out on the ocean, where alone the interests of distant neutral states are liable to be seriously affected by the domestic strife of any nation, in a manner far more extensive than the late insurgents by their unaided efforts ever could have attempted. Yet a length of time elapsed before any foreign power, however much inclined, ventured to find in this state of things any reason for considering the people waging such a war as a belligerent power. It furthermore is certain, that if at any time the smallest indication of a leaning that way manifested itself in any of the commercial powers, it was immediately noted by the British government for remonstrance and reclamation.

"Your lordship has been pleased to review the conduct of France in this emergency; and to endeavor to set aside the parallel which I attempted in my note, on the ground that that country was animated by a policy decidedly hostile to Great Britain. The fact is doubtless so. But it so happens that this only bears with the more force in my favor on the present

argument. Had France, being inclined to injure Great Britain, decided to recognize the insurgents as a belligerent, it would, according to the doctrine now avowed by her Majesty's government, have been doing no more than was absolutely necessary and altogether justifiable. Why did it not take this step at once? Unhappily for the example, Great Britain at the outset insisted upon considering her as a friendly power, and called upon her solemnly to desist from any attempt whatever to recognize the presence of the insurgent force. In proof of this, I beg permission to quote a brief extract from an historical writer well known to have drawn his statements from official sources. Mr. Adolphus says, that in April, 1775, that is, one year after the outbreak of the insurrection, 'the friendly disposition of the French government towards Great Britain has been unequivocally demonstrated; and the expectation that succor would be afforded to the Americans was suppressed by an edict prohibiting all intercourse with them.'

"It thus appears that no idea was at that early period entertained by the British authorities of any unfriendly disposition on the part of France. So far from being inclined, as your lordship supposes it might have been, to give aid to the insurrection, which since 1774 had been developing its great proportions, by any recognition of it as a belligerent, the French sovereign frankly responded to an appeal made by Great Britain, by interdicting his people from all relations whatever with the Americans. In other words, the example shows that, on both sides, there was not the remotest conception that a recognition of insurgents as a belligerent, immediately upon the breaking out of the insurrection, could be considered as a justifiable act on the part of a friendly power."

In March, 1774, news arrived in England of the destruction, on the 18th December, 1773, of the tea contained in the ships lying in Boston harbor. This intelligence occasioned a message from the Throne to both houses of Parliament, in which they were informed that in consequence of the unwarrantable practices carried on in North America, and particularly of the violent and outrageous proceedings at the town and port of Boston, with a view of obstructing the commerce of this kingdom, and upon grounds and pretences immediately subversive of its constitution, it was thought fit to lay the whole matter before Parliament, fully confiding, as well in their zeal for the maintenance of his Majesty's authority as in their attachment to the common interest and welfare of all his dominions, that they would not only enable him effectually to take such *measures* as might most likely put an immediate stop to those disorders, but would also take into their most serious consideration what further regulations and permanent provisions might be necessary to establish, for better securing the execution of the laws, and the just dependence of the colonies upon the Crown and Parliament of Great Britain.

The first measure of coercion adopted by the government was by the authority of an act of Parliament, which received the royal assent on the 31st of March, 1774. By this act the government was empowered to withdraw from the town and port of Boston all officers concerned in the collection of customs, "and to discontinue the landing and discharging, lading and shipping of goods, wares and merchandise, at the said town of Boston, or within the harbor thereof."

This measure was shortly followed by the passing of a further act (11th May, 1774) "for the better regulating the government in the province of Massachusetts Bay." The intention of the act was to alter the constitution of that province as it stood upon the charter of King William; to take the whole executive power out of the hands of the democratic party, and to vest the nomination of counsellors, judges, and magistrates of all kinds, including sheriffs, in the Crown, and in some cases in the King's governor, and all to be removable at the pleasure of the Crown.

On the 6th of May, 1774, "A bill for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the laws, or for the suppression of riots and tumults in the province of Massachusetts Bay, in New England," passed the House of Commons.

The first of these acts, regarding trade with the town and harbor of Boston, virtually prohibited trade with that port, one of the clauses enacting—

"That if any ship or vessel shall be moored or lie at anchor, or be seen hovering within the bay, or within one league from the said bay, it shall and may be lawful for any admiral, chief, commander, &c., of his Majesty's fleet or ships-of-war, or for any officer of his Majesty's customs, to *compel such ship or vessel to depart to some other port, or to such station as the officer shall appoint, and to use such force for that purpose as shall be found necessary; and if such* ship or vessel shall not depart within six hours after notice for that purpose given, such ship or vessel, with all the goods laden on board, and all the guns, tackle, and furniture, shall be forfeited, whether bulks shall have been broken or not."

Contrary to the expectations of the British government these measures tended only to the adoption of a determined and united feeling of resistance on the part of the colonists. On the 13th May, 1774, General Gage arrived at Boston to administer the province of Massachusetts Bay. On the arrival of the Boston port bill public meetings were held in the various colonies, which subsequently led to an agreement being framed by the committee of correspondence at Boston, entitled a solemn league and covenant, wherein the subscribers bound themselves in the most solemn manner, and in the presence of God, to suspend all commer-

cial intercourse with Great Britain from the last day of the ensuing month of August until the Boston port bill and the other late obnoxious laws were repealed, and the colony of Massachusetts Bay fully restored to its chartered rights. This agreement led to the issue of a proclamation by General Gage, in which it was styled an "unlawful, hostile, and traitorous combination, contrary to the allegiance due to the King," &c.

Measures were also adopted by the colonists for holding a general Congress at Philadelphia, which was opened on the 5th September, 1774, the first public act of which was a declaratory resolution expressive of their disposition with respect to the colony of Massachusetts Bay, and immediately intended to confirm and encourage that people, and to approve of the wisdom and fortitude with which their opposition to the measures adopted by government had hitherto been conducted.

On the 30th November, 1774, a new Parliament met in Great Britain, and in the speech from the Throne the two houses were informed that a most daring spirit of resistance and disobedience to the law still existed in the province of Massachusetts Bay, and had in divers parts of it broke forth in fresh violences of a very criminal nature; that these proceedings had been countenanced and encouraged in others of the colonies, and unwarrantable attempts made to obstruct the commerce of this Kingdom.

On the 9th February, 1775, a humble address was presented to the King by Parliament, in reply to the royal speech.

In this address the Parliament stated that "we have taken them (the papers relating to American affairs) into our most serious consideration, and we find that a part of your Majesty's subjects in the province of Massachusetts Bay have proceeded so far as to resist the authority of the supreme legislature; that a *rebellion* at the time actually existed within the said province; and that they saw, with the utmost concern, that they had been countenanced and encouraged by unlawful combinations and engagements entered into by his Majesty's subjects in several of the other colonies. * * * * * * We can never," continued the address, "so far desert the trust reposed in us as to relinquish any part of the sovereign authority over all your Majesty's dominions which, by law, is vested in your Majesty and the two houses of Parliament; and the conduct of many persons in several of the colonies, during the late disturbances, is alone sufficient to convince us how necessary this power is for the protection of the lives and fortunes of your Majesty's subjects. * * * * * * At the same time we consider it as our indispensable duty humbly to beseech your Majesty that you will take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and we beg leave, in the most solemn manner, to assure your Majesty that it is our fixed resolution, at the hazard of our lives and properties, to stand by your Majesty against all rebellious attempts in the maintenance of the just rights of your Majesty and the two houses of Parliament."

In consequence of this address, military preparations were made to coerce the colonists; and on the 10th February, 1775, a bill was also introduced into Parliament, and, after a long debate, received the royal assent, on the 30th March, 1775, (15 Geo. III, cap. 10.) The title of the act was, "An act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut, &c., in North America, to Great Britain, Ireland, and the British islands in the West Indies, &c."

The minister, in proposing the bill, stated that he supported it on the grounds that, as the Americans had refused to trade with Great Britain, *it was but just that Great Britain should not suffer them to trade with any other nation.* By a further act these restrictions were extended to several other colonies in North America, which had been omitted in the first act.

By the terms of this act, all vessels trading with the colonies were to be furnished with certificates, without which they were liable to seizure by British ships-of-war and officers of the customs.

On the 20th of May, 1775, articles of confederation and perpetual union were entered into by the delegates of the several colonies of New Hampshire, Massachusetts, &c. A resolution was at the same time passed, that after the expiration of six months (from the 20th July, 1775,) all the ports of the said colonies were declared to be thenceforth open to the ships of every state in Europe that would admit and protect the commerce of the colonies.*

Although by the above articles the colonists usurped the rights of sovereignty with regard to peace and war, the entering into alliances, the appointment of civil and military officers, &c., still their connexion with Great Britain was maintained, and no *de facto* independent government was established.

On the 12th June, 1775, General Gage issued a proclamation, by which a pardon was offered in the King's name to all those who should forthwith lay down their arms, threatening the treatment of rebels and traitors to all those who did not accept the proffered pardon. This proclamation was looked upon as the preliminary to immediate action, and on the 17th June hostilities commenced between the colonists and royal troops in the neighborhood of Charlestown.

In July, 1775, the confederacy assumed the appellation of the *Thirteen United Colonies*, and General Washington was appointed to the command of the army of the confederation.

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*The trade of the British colonies, at this period, was carried on solely by British and colonial shipping.

Hostilities were carried on, not only in the colonies, but Canada was also invaded by the colonial forces.

The first act of the Congress for the formation of a navy was promulgated on the 13th October, 1775, when two vessels were ordered to be armed, and on the 30th of the same month two more armed vessels were ordered to be fitted for sea. On the 25th November, 1775, resolutions were passed, directing seizures and capture under commissions obtained from the Congress, together with the condemnation of British vessels *employed in a hostile manner* against the colonies; the mode of trial and of condemnation was pointed out, and the shares of the prizes were apportioned. On the 28th November, 1775, Congress adopted rules for the regulation of the navy of the United Colonies. On the 13th December, a report was sanctioned for fitting out a naval armament, to consist in the whole of thirteen ships. On the 22d December, officers were appointed to command the armed vessels.

On the 6th January, 1776, a regulation was adopted relative to the division of prizes and prize money taken by armed vessels.

On the 23d March, 1776, resolutions were adopted authorizing the fitting out of *private armed vessels*, to cruise against the enemies of the United Colonies.

On the 2d April, 1776, the form of a commission for private armed vessels was agreed upon, and on the 3d April, instructions to the commanders of private armed versels were considered and adopted. *They authorized the capture of all ships and other vessels belonging to the inhabitants of Great Britain* on the high seas, or between high-water and low-water marks, except vessels bringing persons who intended to reside and settle in the United Colonies.

The whole of these laws were promulgated previously to the final Declaration of Independence issued on the 4th July, 1776.

In the mean time the different powers of Europe, notwithstanding their declarations of neutrality in the conflict between Great Britain and her colonies, more particularly France, Spain, and Holland, almost openly expressed their sympathy with the cause of colonists, and aided them with arms and money, and allowed the fitting out of ships, the repairs and armaments of privateers in their ports, even previously to the receipt of the Declaration of Independence of the colonies, signed on the 4th July, 1776; the letter from the American committee of secret correspondence to Mr. Silas Deane, their agent in Paris, enclosing the declaration of independency, with instructions to make it known to the powers of Europe, not being received until the 7th of November, 1776.

In March, 1776, Mr. S. Deane had been sent to France by the committee of secret correspondence of America* with instructions to communicate in the character of a merchant with M. de Vergennes, the French minister for foreign affairs, and to procure through the assistance of that government a supply of clothing and arms for 25,000 men. Mr. Deane was provided with letters of introduction addressed to various French subjects interested in the success of the colonists. Already, previously to the arrival of Mr. Deane, the French minister for foreign affairs had obtained authority from the King to furnish "un million de livres pour le service des colonies Anglaises." A. M. de Beaumarchais was secretly charged with the disposal of this money for the benefit of the colonies.

The following particulars regarding the movements of the American ships-of-war subsequently to the Declaration of Independence of the colonies have been obtained principally from the "History of the United States Navy," by Fenimore Cooper, the authenticity of which is, however, sufficiently borne out on reference to the official correspondence of that period.

The Reprisal was the first American man-of-war that ever showed herself in Europe. She quitted America not long after the Declaration of Independence, and appeared in France in the autumn of 1776, bringing in with her *several English prizes*. A few privateers had preceded her, and slight difficulties had occurred in relation to some of their prizest that had gone into Spain; but it is believed that these were the first English captured ships that had entered France since the commencement of the American Revolution. The English ambassador complained of this infraction of the treaty between the two countries, but means were found to dispose of the prizes without detection. The Reprisal having refitted, soon sailed towards the bay of Biscay on another cruise. Here she took several English vessels, and among the rest a king's packet that plied between Falmouth and Lisbon. When the cruise was terminated, Captain Wickes went into Nantes, taking his prizes with him. This proceeding caused further representations to be made by the British ambassador, which resulted in the prizes being ordered to quit France. The Reprisal, however, was allowed to remain, in consequence of her leaky state. The prizes were taken into the offing, and sold to French purchasers.

In April, 1777, the Lexington arrived, and the old difficulties were renewed. The American commissioners in Paris, who had been authorized by their government to equip ves-

*This committee was established by the colonists on the 29th November, 1775, to correspond with the friends of America in other countries. The committee was denominated the "Committee of Secret Correspondence," and continued in operation till April 17, 1777, when the name was changed to that of the "Committee of Foreign Affairs." On the appointment of a Secretary of Foreign Affairs, on the 10th of August, 1781, the committee was dissolved, and the foreign correspondence from that time went through the hands of the secretary

† See reference to policy of Spain, page 12.

sels, appoint officers, and do other matters to annoy the enemy, now planned a cruise that surpassed anything of the sort that had yet been done in Europe under the American flag. Captain Wickes was directed to proceed to sea with his own vessel (the Reprisal) and the Lexington, and to go directly off Ireland, in order to intercept a convoy of linen ships that was expected to sail about that time. The Dolphin, a cutter which had been purchased and fitted out in France, was also directed to join the squadron.

Captain Wickes quitted Nantes about the commencement of June, 1777, and sailed round the coast of Ireland, capturing and destroying many ships, and afterwards returned to France.

The boldness and success of this cruise produced much sensation in England, and the French government was driven to the necessity of either entirely throwing aside the mask, or of taking some more decided steps in relation to these cruisers. Not being prepared for war, it resorted to the latter expedient. The Reprisal and Lexington were ordered to be seized and held until security was given that they would quit the European seas, while the prizes were ordered to quit France without delay. The latter were accordingly taken outside the port and disposed of to French merchants in the same informal manner as in the previous cases, and the vessels-of-war prepared to return to America.

While the American commissioners (Dr. Franklin and Silas Deane) were directing the movements of Captain Wickes in the manner that has been described, they were not idle in other quarters. A small frigate was building at Nantes on their account, and an agent was sent by them to Dover, where he purchased a fast-sailing, English-built cutter, and had her carried across to Dunkirk. Here she was privately equipped as a cruiser, and named the Surprise, and Captain G. Conyngham was appointed to command her, by filling up a blank commission from John Hancock, the president of the Congress. This commission was dated March 1, 1777. Having obtained his officers and crew in Dunkirk, Captain Conyngham sailed on a cruise about the 1st May, and on the 7th he captured the Harwich packet Prince of Orange, with which he returned to Dunkirk.

This proceeding of the Surprise called forth the earnest remonstrance of the English ambassador, and Captain Conyngham and his crew were imprisoned, the cutter seized, and the prizes liberated. The commission of Captain Conyngham was taken from him and sent to Versailles.

Notwithstanding these proceedings the American commissioners purchased and fitted out another cutter at Dunkirk, which was called the Revenge, and means were found to liberate Captain Conyngham and his people, to whom a new commission was given, doubtless one of those in blank which had been confided to the commissioners to fill at their discretion.

The Revenge, under the command of Captain Conyngham, sailed from Dunkirk on the 18th July, 1777, and captured many British vessels, some of which were destroyed, but the most valuable were sent to Spain.

After a cruise of almost unprecedented success as far as injury to British merchants was concerned, the Revenge went into Ferrol, refitted, and finally sailed for the American seas.

The characters of the Surprise and Revenge, says Fenimore Cooper, appear never to have been properly understood. In all the accounts of the day, these vessels were spoken of as being privateers authorized to act by the commissioners in Paris. That the two vessels commanded by Captain Conyngham were public vessels, however, is proved in a variety of ways. Like the Dolphin, the Surprise and Revenge were bought and equipped by agents of the diplomatic commissioners of the United States.

The sensation produced among British merchants by the different cruises in the European seas was very great; Mr. Deane,* one of the American agents in Paris, stating that it had caused insurance to rise, and even deterred British merchants from shipping goods in English bottoms, so that in a few weeks *forty sail of French ships* were loading in the Thames on freight.

Insurances in some instances rose as high as twenty-five per cent., and for a short period ten per cent. was asked between Dover and Calais.

In 1776 the American commissioners in Paris, with a view to increase the naval force of the country, caused a frigate of extraordinary size and of peculiar armament and construction for that period to be laid down at Amsterdam. This ship had the keel and sides of a two-decker, though frigate-built, and her main deck armament was intended to consist of 32-pounders. She was named the Indian. In consequence, however, of the apprehension of the Dutch government, and the jealousy of that of England, the American Congress was induced to make an offering of the Indian to Louis XVI, and she was equipped and got ready for sea as a French vessel-of-war.

This vessel subsequently entered the American service under the following circumstances, and was finally captured after having destroyed a large amount of British shipping.

The following are the circumstances related by Cooper:

In 1779 Commodore Gillon was sent to Europe by the State of Carolina, provided with large amounts of colonial produce, for the purpose of raising funds to purchase ships-of-war for the American navy. Commodore Gillon, after many unsuccessful attempts to obtain the class of ships he required, finally went to Amsterdam, where he found the Indian, which ves-

* This letter contains an interesting report on the proceedings of the American cruisers and privateers in France and Spain since their first arrival in the European seas.

sel, as previously mentioned, had been laid down by the American commissioners, and subsequently presented to France. She had the dimensions of a small seventy-four, but was a frigate in construction, carrying an armament of twenty-eight thirty-sixes on her gun-deck. This ship, though strictly the property of France, had been lent by Louis XVI to the Duke of Luxemburg, who hired her to the State of South Carolina for three years on condition that the State would insure her, sail her at its own expense, and render to her owner one-fourth of the proceeds of her prizes. Under this singular compact the ship, which was named the South Carolina for the occasion, got out of Amsterdam in 1781, and made a successful cruise in the narrow seas, sending her prizes into Spain. She afterwards sailed for America, capturing ten sail, with which she went into the Havana.

Cooper states that most of the vessels of South Carolina were purchased, and its seamen were principally obtained from places out of its limits; Commodore Gillon and Captain Joyner being both natives of Holland.

Having thus given an outline of the proceedings of the American vessels-of-war in Europe, it will be interesting to refer to the diplomatic correspondence, and also to that of the American commissioners in Paris.

On the 18th of August, 1776, Mr. Silas Deane, who, as before stated, had been sent to Paris as the agent of the revolted colonies, and who had arrived in that city about the beginning of July, reported the result of his secret interviews with the French minister for foreign affairs. M. de Vergennes assured Mr. Deane that the importance of American commerce was well known, and that no country could so well supply the colonies and receive their produce as France, for which reason the court had ordered their ports to be kept open and equally free to America as to Britain. With regard to the shipment of arms, M. de Vergennes stated that, considering the good understanding between the two courts of Versailles and London, they could not *openly* encourage the shipment of warlike stores, but no obstruction of any kind would be given; if there should, as the custom-houses were not fully in their secrets in the matter, such obstructions would be removed on the first application.

So satisfied was Mr. Deane with the result of his intercourse with the French minister, that he stated that he had hopes of obtaining liberty for the armed vessels of the united colonies to dispose of their prizes in the ports of France, and also for the arming and fitting-out of vessels-of-war from thence. He further urged that a few American cruisers should be sent to the French coast, where they would do very well, as they would find protection in the harbors of the kingdom. Coming ostensibly for the purpose of commerce, he stated no questions would be asked, and they might wait until opportunity offered, and then strike something to the purpose.

On the 8th October, 1776, Mr. Deane stated that the French court, as well as other courts in Europe, had expected that the declaration of independence would be formally communicated to them. He also urged the necessity of eight or ten American frigates being collected at Bordeaux, where they might have leisure to refit and procure supplies. The appearance of American cruisers in Europe had, he stated, amazed the British merchants, and that insurance would now be on the war establishment; and as the American vessels-of-war would be protected in the ports of France and Spain, the whole of the British commerce would be exposed. He also prayed that the committee would forward him *blank commissions*, or a power to grant commissions to ships-of war, as there were many persons wishing for an opportunity for using them in this way. Mr. Deane made frequent applications for *blank commissions*, which were subsequently forwarded to the American ministers in Paris in December, 1776.

The first country which appears to have publicly acknowledged the vessels of the United States, as being entitled to belligerent rights, was Spain, under the following circumstances:

In September, 1776, Captain Lee, commanding the American vessel Hawke, who on his passage from America had captured some valuable British vessels, went into Bilbao, not with the prizes, but with the captains and crews of the captured vessels. The British consul at Bilbao and the captains of the vessels protested, and complained against Captain Lee as a pirate, on which his vessel was detained, and his commission, &c., sent to Madrid by the Spanish authorities.

On the 7th of October, 1776, the Spanish government directed the governor of Bilbao to release the Hawke, and declared "that in consequence of the amity subsisting between his Catholic Majesty and the King of Great Britain, he should maintain a perfect neutrality during the war; that he should not give any aid to the colonists; *but should not deny their being admitted into any ports of his dominions while they conformed to the laws of the country.*"

On the 26th of September, 1776, commissioners were appointed by the American Congress for transacting the business of the United States at the court of France. The persons chosen were Benjamin Franklin, Silas Deane, and Thomas Jefferson; the latter was subsequently replaced by Arthur Lee. The three commissioners met in Paris about the middle of December, where they continued to reside, chiefly employed in procuring military supplies and money for the United States, till they signed the treaty of alliance with France on the 6th February, 1778. They were presented to the King as representatives of an independent state on the 20th March, 1778. Dr. Franklin was appointed minister plenipotentiary to the court of France on the 14th September, 1778, at which time the commission was dissolved.

In a letter addressed by the committee to the commissioners on the 21st September, 1776,

they were informed that a resolution had been passed by Congress, *approving of armed vessels being fitted out by them on continental account, provided the court of France disliked not the measure; and they were informed that blank commissions for this purpose would be sent to them by the next opportunity.*

The commissioners arrived in Paris on the 22d of December, 1776, and on the 28th they were received by M. de Vergennes, the French minister for foreign affairs. They laid before him their commissions, with the articles of a proposed treaty of commerce. In their letter to the committee, reporting their reception, they also stated *that the ports of France, Spain, and Florence, (that is, Leghorn in the Mediterranean,) were open to the American cruisers upon the usual terms of neutrality.*

In March, 1777, the commissioners reported that the French court, while treating them privately with all civility, was cautious of giving umbrage to England, and was, therefore, desirous of avoiding an open reception and acknowledgment of them, or entering into any formal negotiation with them as ministers from the Congress. To make them easy, however, they were told that the ports of France were open to their ships as friends. Although it was no secret at the time that 200 field-pieces of brass and 30,000 fusils, with other munitions of war in great abundance, had been taken out of the King's magazines for exportation to America, the minister in their presence affected to know nothing of that operation.

During these conferences the commissioners stated that every step was taken to gratify England publicly by attending to the remonstrances of our ambassador, forbidding the departure of ships which had military stores on board; * recalling officers who had leave of absence and were going to join the Americans, *and giving strict orders that our prizes should not be sold in French ports.*

They also reported that Captain Wickes had made a cruise during the winter, (1776–'77,) and had returned to France with *five prizes*, where they were sold, which proceeding caused some trouble and uneasiness to the French court. Money to the amount of 2,000,000 of livres was also supplied to the commissioners through the French government. Captain Wickes was directed by the commissioners to make another cruise previously to his return to America.

In May, 1777, the commissioners were directed to purchase in such port or place in Europe as it could be done with most convenience and despatch, a fine, fast-sailing frigate or larger ship. They were instructed to place Captain Paul Jones in command of the vessel, and to employ him as they thought best. In June, 1777, they reported that the ship building at Amsterdam would be nearly as strong as a seventy-four, and might join the squadron in the months of February or March.

On the 16th July, 1777, M. de Vergennes addressed a letter to the commissioners, complaining of the conduct of the American vessels in carrying on hostilities from the French ports, and at the same time informed them that orders had been sent to the ports for their sequestration and detention until sufficient securities could be obtained that they should return directly to their country, and not expose themselves by new acts of hostility to the necessity of seeking ayslum in French ports. With regard to the prizes, they had orders to go out immediately.

In a letter dated the 30th November, 1777, the commissioners refer to the difficulties arising out of the uncertain policy of the maritime powers, by which the American prizes could not be publicly sold, in consequence of which the purchasers took advantage to beat down the price, and sometimes the admiralty courts were obliged to lay hold of them in consequence of orders from court, obtained by the English ambassador.

On the 8th February, 1778, the commissioners announced the signature of the treaties of commerce and alliance between France and the United States, the announcement of which subsequently led to hostilities between France and Great Britain.

In consequence of the proceedings of the American privateers in the French ports, numerous representations were made by Lord Stormont, the British ambassador at Paris, to the French government, during the years 1776–'77; in fact, the correspondence with France of that period is principally upon that subject.

In a memorial addressed to M. de Vergennes on the 18th March, 1777, the English ambassador made the following demands on the French government:

"Il reclame donc l'accomplissement des assurances formelles qui lui out été données que le vaisseau Américain commandé par le Sieur Wickes sortirait d'abord du port de l'Orient, et qu'il ne lui serait pas permis de croiser sur les côtes de France.

"1. Il demande la restitution immédiate et plenière du paquebot de Falmouth, vaisseau appartenant au Roi son maître.

"2. Celle des quatre vaisseaux marchands mentionnés dessus appartenant à des sujets de sa Majesté Très Chrétienne. Il demande que cette restitution, *avec la valeur de cette partie des cargaisons qui a été détournée, soit d'abord et bonâ fide aux propriétaires.*"

These demands arose out of the capture of five British vessels by the American ship Reprisal, which had been taken into the port of l'Orient, and there sold, and appear to be the only instance in which the ambassador made any claim for the value of the cargoes.

Notwithstanding these representations, assistance continued to be rendered to the vessels of the colonists in the French ports.

* These were afterwards privately permitted to go, or went without permission.

On the 4th July, 1777, Lord Stormont received instructions from his government, of which the following is an extract:

"The proper representations made by your excellency to the French ministers, with respect to the cutter fitting out at Dunkirk, the artillery and military stores collecting for the use of the rebels, and the several causes of complaint given by their governors in the West Indies, meet with his Majesty's approbation.

"The enclosed copy of a letter from Whitehaven will show your excellency that fresh proofs have been lately given of the protection held out to the rebels in the French ports where the three privateers, the Reprisal, the Lexington, and the Dolphin, have been supplied with everything that was necessary to them for their cruise, the last of them wholly fitted out at Nantes, and it appears that after their cruise they returned to some of the ports of France.

"This account, by his Majesty's command, has been taken into consideration by his confidential servants, and their opinion thereon submitted to his Majesty.

"In consequence thereof, I am commanded by his Majesty to signify to your excellency it is his pleasure that you acquaint the French ministers that however desirous his Majesty may be to maintain the present peace, he cannot, from his respect to his honor and his regard to the interest of his trading subjects, submit to such strong and public instances of support and protection shown to the rebels by a nation that at the same time professes in the strongest terms its desire to maintain the present harmony subsisting between the two crowns. The shelter given to the armed vessels of the rebels, the facility they have of disposing of their prizes by the connivance of government, and the conveniences allowed them to refit, are such irrefragable proofs of support, that scarcely more could be done if there was an avowed alliance betwixt France and them, and that we were in a state of war with that kingdom.

"'The avidity of gain will tempt merchants in all countries to do very irregular things, and that avidity may not be easily controlled;' but the private views of the traders of France are not concerned in these transactions otherwise than by buying below their value what is supposed to be sold clandestinely in the case of the prizes carried into the French ports. Such a circumstance cannot weigh with a great state, whose views must be directed by greater considerations. The views of the rebels are evident; they know that the honor of this country and the proper feelings of the people in general will not submit to such open violation of solemn treaties and established laws acknowledged by all nations. The necessary consequence must be a war, which is the object they have in view; and they are not delicate in the choice of means that may bring about an end so much desired by them.

"These reflections, my lord, your excellency will communicate to the French ministers, expressing at the same time that an explanation is desired, not a menace intended; but on full consideration of the present circumstances they must be satisfied peace, however earnestly wished, cannot be maintained, unless an effectual stop is put to our just causes of complaint.

"Lord Macartney and Governor Shirley have transmitted many depositions on oath to ascertain the complaints, the particular subjects of which have been sent to your excellency; but I do not trouble you with them, as you need no proofs to be convinced that the French governors are acting the most unjustifiable conduct in the West Indies, where there is too much reason to suspect they are concerned in the piracies."

In consequence of the seizure of the English vessel Experience, the English ambassador addressed the following demand to the French government on the 8th July, 1777:

"Que le vaisseau Anglais nommé l'Expérience, et sa cargaison, soient restitués d'abord aux propriétaires ou à leur ayant-cause, et que les capteurs reparent tout le dommage qu'ils ont fait. Il serait superflu d'insister davantage sur la justice de cette demande, en parlant à un ministère aussi éclairé que celui de France, et c'est à dessein que l'ambassadeur évite d'appuier sur les circonstances de cette prise; il se bornera à dire que ce bâtiment Anglais étoit à l'avère près du port de Cherbourg quand il a été pris par les pirates Américains, qui sont sortis de ce même port pour s'emparer de ce vaisseau, et qui ont été accompagnés de plusieurs sujets de sa Majesté très Chrétienne, et même de plusieurs soldats François qui ont été complices de cet attentat."

In reply to those representations M. de Vergennes read a *note verbale* to Lord Stormont, the following extract of which relates to the conduct of the French government with regard to the privateers which had been admitted into the French ports:

"C'est d'après cette conviction que le Roi me charge de déclarer à votre excellence, *que fidèle à l'observation des traités, que sa Majesté s'attend qui ne seront pas moins exactement observes de la part de 'Angleterre, elle ne permettra rien qui pourrait y déroger;* et que sensible aux plaintes que vous avez eu commission de me porter contre les trois corsaires (Américains) la Représaille, le Lexington, et le Dolphin, lesquels, après avoir en injonction de sortir des ports de France pour n'y plus revenir, y sont cependant rentrés malgré cette défense; sa Majesté, bien éloignée d'approuver cette navette que les traités réprouvent, en est au contraire très-mécontente, et ne peut mieux en témoigner son mécontentement qu'en ordonnant, comme elle le fait, de séquestrer lesdits corsaires dans les ports où ils peuvent être relâchés, pour y être retenus jusqu'à ce qu'on puisse avoir des sûretés suffisantes qu'ils retourneront en droiture dans leur patrie, sans infester de nouveau les mers d'Europe.

"Quant aux prises que ces corsaires ou d'autres peuvent avoir amenées, ou pourront

amener pa la suite dans nos ports, les ordres sont renouvelés nonseulement pour qu'on n'en permette pas la vente; mais encore pour qu'on les fasse partir aussitôt que le vent et les circonstances du temps pourront le permettre, sans se prêter à aucune des exceptions que la cupidité des vendeurs et des acheteurs est ingénieuse à former; et il est enjoint aux officiers préposés à cet effet, d'y tenir sévèrement la main, sauf à en répondre en leur propre et privé nom. Il leur est pareillement recommandé de veiller soigneusement à ce que les facilités de commerce dont les Américains jouissent dans les ports de France n'excèdent pas celles d'un commerce permis.

"Si quelque sujet Anglais se croit fondé à intenter une action personnelle contre quelqu'un des susdits corsaires, la voie des tribunaux leur est ouverte ici comme en Angleterre. *La loi décide les affaires contentieuses, et jamais l'autorité.*

"Pour ce qui est du '*Dolphin*,' que votre Excellence prétend être un bâtiment Français armé en France avec l'équipage de la même nation, et n'ayant qu'un seul officier Américain, l'examen le plus impartial en sera fait, et si la chose est effectivement telle qu'elle vous a été représentée, il en sera fait justice."

On the 15th of March, 1778, the French ambassador in London communicated to the English government the recognition of the independence of the American colonies, and the treaties which had been signed between France and the United States, which led to the withdrawal of the English ambassador from Paris, and to the subsequent hostilities between the two countries without any formal declaration of war.

In 1779 the French government published an *Exposé des Motifs* of its conduct relative to Great Britain, to which a reply was published by Great Britain, written by the historian Gibbon, and contained in volume iv of his miscellaneous works. In reply to the latter memorial the French government published a paper entitled "Observations de la cour de Versailles sur le Mémoire justificatif de la cour de Londres."* In this paper the following extracts occur in justification of the asylum granted to the American privateers in the French ports:

"En donnant asile aux Américains, le Roi n'a fait que remplir un des premiers devoirs de l'humanité, en même temps qu'il a exercé un droit inhérent à la souveraineté; droit qui appartient à toutes les nations indépendantes, qui ne peut être restreint que par des conventions, et dont l'exercice est plus étendu en Angleterre que dans aucun autre Etat de l'Europe. Le Roi n'a eu aucune raison de rénoncer à l'exercice de ce droit au préjudice des Américains, parce que cette nation ne l'a jamais offensé; et c'eût de sa part une tyrannie, une cruauté inouie que de les expulser de ses Etats, parce qu'ils étaient injustement opprimés par la Grande Bretagne. Des Américains ont séjourné dans plus d'un pays de l'Europe. En est-il aucun d'où ils n'aient été forcés de sortir; aucun où ils n'avaient joui du droit de l'hospitalité; aucun où ils n'aient été aussi tranquilles et aussi surs que dans les provinces les plus reculées de l'Amérique? A quel titre la cour de Londres prétend-elle donc faire un crime au Roi de n'avoir chassé les Américains de ses Etats?

"Non-seulement le Roi a donné un asile aux Américains, mais il a aussi admis leurs corsaires et leurs prises; et c'est là un des principaux griefs de la cour Londres, sur lequel elle s'est appésantie la plus, et qui a fourni la matière la plus ample à ses déclamations et à ses reproches. Mais quelques mots suffiront pour établir les véritables principes ser cette matière, et pour démontrer que le ministère Anglais les a méconnus volontairement.

"Le Roi est le maître d'admettre dans ses ports les navires de toutes les nations de l'univers. Ce droit s'étend sur les bâtiments de guerre comme sur les bâtiments marchands; et il n'admet de restriction que celles qui sont établis par des Traités. Celui d'Utrecht en renferme relativement aux bâtiments de guerre: L'Article XV porte en substance, 'que les parties contractantes (la France et l'Angleterre) ne permettront pas à leurs ennemis respectifs d'armer dans leurs ports, d'y vendre leurs prises, et d'y séjourner au delà du temps requis pour réparer leurs dommages et se pourvoir des choses nécessaires pour être en état de remettre à la mer.' Le Roi a suivi ponctuellement cette conduite par rapport aux corsaires Américains. Sa volonté à cet égard est constatée par les ordres le plus précis, et surtout par leur exécution. Il est vrai que le ministère Anglais avance *que ces ordres étaient illusoires, qu'ils étaient transgressés ouvertement, impunément et même sous l'autorité du gouvernement:* mais cette accusation est une calomnie d'autant plus révoltante qu'elle est contraire à la notoriété publique, constatée même par les gazettes ministérielles imprimées en Amérique.

"Si l'on prétend que le Roi aurait dû refuser toute retraite aux corsaires Américains, parce qu'il aurait dû les regarder comme pirates, on demande de quel droit le Roi aurait pu les juger tels? Les Américains ne sont point ses sujets: il n'est ni le juge ni l'arbitre des querelles domestiques de l'Angleterre. Il avait adopté la neutralité, et il l'aurait enfreinte de la manière la plus odieuse, en prononçant sur l'État des Américains. Ces principes sont certains, et c'est une véritable dérision que de les méconnaître, comme ce serait une adulation, une faiblesse inexcusable que de les violer. La cour de Londres seule a eu des pirates en mer; ce sont ses bâtiments marchands qui, en pleine paix, ont enlevé des bâtimens Français; et cette cour ne soutiendra pas sans doubte, que ce procéde était contraire à ses ordres ou à ses intentions, puisque les coupables, quoique dénoncés, sont demeurés impunis, et que les navires pris n'ont pas été restitués."

* See "Droit des Gens;" Martens, vol. I. Causes Célèbres, 1761-88, p. 462.—(F. O. Lib., Oct. 730.)

It results from the foregoing statements that no such contrast between the conduct of France on the occasion of the revolt of the British provinces in 1774, and that of Great Britain on the occasion of the recent insurrection in the United States, as that which Mr. Adams has sought to draw, can really be drawn. Great Britain by no act of hers conferred upon her revolted colonies any belligerent character, or sought to enforce against neutrals belligerent rights; on the contrary, for a long period she dealt with her colonies as revolted provinces by acts of ordinary legislation, and by restrictions on their trade. On the other hand, the United States, within a few months after the commencement of the insurrection, conferred upon the southern States belligerent rights by the proclamation issued by the President of the United States on the 19th of April, 1861, establishing the blockade of the southern States, "in pursuance of the laws of the United States and of the laws of nations in such cases provided."

FOREIGN OFFICE, *October* 30, 1865.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 1082.] LEGATION OF THE UNITED STATES,
London, November 10, 1865.

SIR: At about one o'clock on Monday, the 6th instant, I received from Mr. Wilding, the vice-consul at Liverpool, a telegram announcing the fact that the steamer Shenandoah was then coming up the Mersey to Liverpool.

At three o'clock of the same day I repaired to the foreign office for the purpose explained in my despatch No. 1080, of this date. When my turn came to meet Lord Clarendon, almost the first thing he said to me was to mention that such a story had just come to him from the admiralty. He seemed to be utterly incredulous. I replied that I had received precisely the same intelligence with that which he had described. I had only been waiting for a complete confirmation of it in a formal letter from the consul, to make it the basis for a note which I should draw up and transmit to him on the next day. He replied, that in case the statement should prove true, he should be prepared to receive and consider the communication which I might send. With a few more informal comments upon the nature of this news, the conversation dropped. Subsequently, I received a private note from his lordship confirming the account, and adding that the steamer had been taken possession of by her Majesty's steamer Donegal.

Having received the desired report from the vice-consul, I addressed on the next day a note to Lord Clarendon, a copy of which is herewith transmitted.

I took for my basis the substance of the doctrine contained in your despatch to Sir Frederick Bruce of the 19th June, 1865, adapting it, so far as I could, to the immediate circumstances.

* * * * *

Since the preceding lines were written I have received an official note from Lord Clarendon confirming the substance of his private note. A copy is herewith transmitted. Thus the matter stands yet between us.

Yet I yesterday received from Mr. Wilding, the vice-consul at Liverpool, a telegraphic despatch stating that he had received by an officer of her Majesty's steamer Donegal, a note from Captain Paynter to the following effect:

"In compliance with instructions received from the Secretary of State for the home department of her Majesty's government, I am, in conjunction with the collector of her Majesty's customs, directed to deliver over to you the Shenandoah (late confederate cruiser) with all stores, &c., as surrendered by Captain Waddell, her late commander. I beg to inform you that she is ready to be transferred to your charge, and request you will be pleased to take possession of her."

Mr. Wilding asked me to instruct him what to reply to this note.

Inasmuch as no response had been made from the Foreign Office to my request, other than a formal one, and no grounds assigned for the delivery, this step, evi-

dently coming from another department of the government, seemed to me a little precipitate; yet as I saw no valid reason for declining the tender, I directed Mr. Wilding to accept the vessel when delivered, and take charge of her at least until further instructions.

I have just received from Mr. Dudley, who has arrived at Liverpool, notice that the vessel is now in his charge.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington D. C.

Mr Adams to Earl Clarendon.

[Delivered at the Foreign Office at 2.40 p. m., November 7, 1865.]

LEGATION OF THE UNITED STATES,
London, November 7, 1865.

MY LORD: I have the honor to submit to your consideration the copy of a letter received by me from the vice-consul of the United States at Liverpool touching the arrival yesterday of the vessel known as the Shenandoah at that port.

Although necessarily without instructions relative to this case, I do not hesitate to assume the responsibility of respectfully requesting of her Majesty's government to take possession of the said vessel with a view to deliver it into the hands of my government in order that it may be properly secured against any renewal of the audacious and lawless proceedings which have hitherto distinguished its career.

I perceive by the terms of the vice-consul's letter that some of the chronometers saved from the vessels which have fallen a prey to this corsair are stated to be now on board. I pray your lordship that proper measures may be taken to secure them in such manner that they may be returned on claim of the owners to whom they justly belong.

Inasmuch as the ravages of this vessel appear to have continued long after she ceased to have a belligerent character, even in the eyes of her Majesty's government, it may become a question in what light the persons on board and engaged in them are to be viewed before the law.

The fact that several of them are British subjects is quite certain. Whilst I do not feel myself prepared at this moment, under imperfect information, to suggest the adoption of any course in regard to them, I trust I may venture to hope that her Majesty's government will be induced voluntarily to adopt that which may most satisfy my countrymen, who have been such severe sufferers, of its disposition to do everything in its power to mark its high sense of the flagrant nature of their offences.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL OF CLARENDON, *&c., &c., &c.*

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool November 6, 1865.

SIR: I beg to inform you of the arrival at this port, this morning, of the pirate steamer Shenandoah. She is now anchored in the sloyne in the river Mersey. She arrived with the confederate flag flying, but lowered it soon after entering the river. She has a crew of 138 men, as near as I have been able to learn, and has on board a number of the chronometers taken from vessels destroyed. I shall be glad to receive your instructions concerning her.

I am, sir, very respectiully, your obedient servant,

H. WILDING.

His Excellency CHARLES FRANCIS ADAMS, *&c., &c., &c.*

Earl Clarendon to Mr. Adams.

[Received at 3.45 p. m., November 8, 1865.]

FOREIGN OFFICE, *November* 7, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of this day, having reference to the arrival at Liverpool of the late confederate steamer Shenandoah, and I lose no time in confirming to you officially what I stated to you yesterday evening privately, that

the Shenandoah was yesterday given up by her commander to her Majesty's authorities at Liverpool, and that she is now in the custody of her Majesty's naval force at that port.

I have to add that the other points adverted to in your letter will receive immediate attention, and I hope shortly to be able to communicate further with you on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

[From the London Times of November 8, 1865.]

The reappearance of the Shenandoah in British waters at the present juncture is an untoward and unwelcome event. When we last heard of this notorious cruiser she was engaged in a pitiless raid upon American whalers in the north Pacific, and several war steamers of the United States were stated to be in pursuit of her. It was also reported, though somewhat vaguely, that our own naval commander on that station had offered any assistance in his power, and little doubt was entertained of her speedy capture. The next thing that we learn is that she has entered the Mersey under the confederate flag; that she is alongside and in charge of her Majesty's ship Donegal, and that Captain Waddell has forwarded a letter to Lord Russell. Whatever be the contents of that letter, this act is obviously equivalent to a surrender of the vessel to the government of Great Britain, as the Stonewall was surrendered to the Spanish authorities at Havana. The time which has elapsed, however, since the termination of the war, and the conduct of Captain Waddell during this interval, constitute very material points of difference between the two cases, and render it necessary to consider that of the Shenandoah exclusively on its own merits.

It is fortunate that in this instance nothing practically turns on the original equipment of the ship thus placed in our hands. In a certain sense it is doubtless true that the Shenandoah was built and manned in fraud of our neutrality, for those who gave the order for her construction and engaged her crew must have been well aware of her real destination. But it is also true, as Lord Russell pointed out in one of his letters to Mr. Adams, that when she cleared for China as a merchant ship, under the name of the Sea King, not a tittle of evidence was offered on behalf of the United States or any other party to justify her detention. Arms were afterwards sent out in a French vessel to a rendezvous at sea, and the Sea King assumed the character of a confederate man-of-war; but it is far from certain that, even if all that is known now had been known then, a conviction could have been obtained against her under our own or the American foreign enlistment act. At all events, she has since been received as a public ship of the Confederate States in one, at least, of our colonies; and although this circumstance would not avail to screen any individuals who may have conspired to violate our law in respect of her, it would be too late to discuss the validity of her claim to shelter during the war. Had the Shenandoah arrived at Liverpool at the beginning of this year, it must be assumed that she would have been entitled to the benefit of the regulations then in force as to the reception of belligerent vessels. According to these she would have been required to depart within twenty-four hours, unless either stress of weather or the want of immediate supplies should have made a longer stay absolutely needful, but no federal ship-of-war would have been allowed to start in pursuit of her within twenty-four hours.

It is, of course, self-evident that she now presents herself under wholly different conditions. Not only has she lost the character of a lawful cruiser by the collapse of the power by which she was commissioned, but she has forfeited the temporary privileges reserved to vessels in the confederate service by Lord Russell's notice of the 20 of June. At any time within a month after the receipt of that despatch in any colonial port, it would have been competent for Captain Waddell to invoke the benefit of it, "divesting his vessel of her warlike character, and, after disarming her, remaining without a confederate flag within British waters," subject, however, to all legal risks, one of which would have been a claim of ownership on the part of the United States government. As it is, the month of grace has long since expired, and the Shenandoah stands in the same position as if it had never been granted. What, then, is this position, and what consequences does the fact of their having carried on war for months after the fall of the confederacy entail upon Captain Waddell and his associates? These are two very different questions, and questions of very unequal difficulty. It is much to be regretted that either of them has been raised in this country instead of in America, and that no federal man-of-war succeeded in capturing the Shenandoah before she cast herself, as it were, upon our mercy. Having been raised, however, both issues must be honestly faced, and we may be sure that, whatever it may involve, strict justice will be done by the government and tribunals of England.

With regard to the Shenandoah herself, we apprehend that little hesitation can be felt. On every principle of law she belongs to that government which has succeeded to all the rights and all the property of the *de facto* confederate government. This doctrine is laid down very clearly by Vice-Chancellor Page Wood in the decision which has been so much criticised of late in America; but in truth it is scarcely more than a rule of common sense. Lord Russell did not affect to override it by the provision in his despatch for the disarming of

confederate vessels in our ports, but, on the contrary, facilitated the application of it through a resort to the proper civil tribunals. The captain general of Cuba doubtless acted on the same view when he delivered over the Stonewall to the agents of the United States; nor, indeed, is it easy to imagine on whose behalf any counter claim could be preferred. What may be the technical formalities to be observed in the transfer is a matter of very little importance. Whether we ought to wait for a demand, or to make over the ship unasked, we hold it in trust for the United States to all intents and purposes.

It is only when we come to the personal liability of Captain Waddell and the crew that we are met by perplexing circumstances. It is now more than half a year since the American war virtually terminated, and the ravages of the Shenandoah have been infinitely more destructive during this period than before. The statement of losses contained in Mr. Adams's letter of April 7 is as nothing compared with those that have since reached us from Behring's straits and the adjoining coasts. Nearly forty whalers are said to have been among her victims in those seas, and the price of sperm oil has already been raised very largely by her depredations. Now it appears that Captain Waddell professes to have had no authentic information about the close of the war until he fell in with her Majesty's ship Barracouta on the 30th of August, when he immediately consigned his guns to the hold and altered his course for Liverpool. We have no wish to prejudge a case which must become the subject of a legal inquiry, but it is impossible to let such a statement pass unchallenged. It is expressly negatived by our accounts from California, derived from the testimony of persons belonging to the ships which he had destroyed. We have their positive assurance that Captain Waddell was told of all that had happened by some of his prisoners, but refused to credit it because it was based on northern authority. How it could otherwise have been brought to his knowledge, or how he could expect to receive an intimation of it from an office which, if it were true, no longer existed, it is for him to explain, for by refusing to accept such notice he certainly took upon himself all the responsibility of his subsequent acts. Why did he not at least run into the nearest neutral harbor to verify a report which, unless false, so gravely compromised his further proceedings? It is possible that a good answer may be given to these questions, but we must repeat that the *onus probandi* lies entirely on Captain Waddell's side. All the world knew and believed the news which he rejected, and which was not so improbable in itself as by any means to justify his obstinate scepticism. There is an old saying about none being so blind as those who won't see, and the facts here suggest an almost irresistible suspicion that Captain Waddell was determined not to be arrested in his destroying career till he had done his old enemies the utmost possible mischief. Nor would it tend to remove this impression if it should prove to be correct that on the pilot coming on board he asked innocently whether the war was over or not.

It would have been a great relief to ourselves, though little to the advantage of the United States, had the Shenandoah been simply excluded from the Mersey and left to rove the seas till she should fall into the hands of her pursuers. As it is, there seems hardly any legitimate alternative but one. Captain Waddell and his 130 men cannot be handed over as prisoners of war upon any hypothesis consistent with that of the war being at an end. Nor under any circumstances can they be given over to the United States. They might possibly be prosecuted under the foreign enlistment act, but experience has shown the extreme difficulty of establishing offences of that nature. The crime of which they really stand accused—supposing them to have wilfully ignored the termination of hostilities—is that of piracy, and on this charge it is possible that they may be apprehended and tried before an English court of justice.

Mr. Adams to Mr. Seward.

No. 1085.] LEGATION OF THE UNITED STATES,
London, November 10, 1865.

SIR: I transmit herewith a copy of the London Times, of this morning, containing a report of the speeches made by Earl Russell and Mr. Gladstone at the Lord Mayor's dinner at Guildhall.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the London Times of November 10, 1865.]

LORD MAYOR'S DAY, NOVEMBER 9.—SPEECH OF EARL RUSSELL.

MY LORDS, LADIES AND GENTLEMEN: Allow me to return thanks, in the name of my colleagues and my own, for the honor that you have done us in drinking our healths. I expected, my Lord Mayor, that in giving the toast of "her Majesty's ministers" you would recall to mind the loss—the great loss—which the country has sustained by the death of Lord Palmerston. It is a great loss indeed, because he was a man qualified to conduct the country successfully through all the vicissitudes of war and peace. Having attained the office of prime minister while the country was involved in war, and conducting its affairs for a long time during peace, he had the resolution, the resource, the promptitude, the vigor, which befitted war; and when peace arrived he showed that he could maintain internal tranquillity; and, by extending commercial relations, he gave to the country the whole fruits of the blessings of peace. [Cheers.] And, my Lord Mayor, the reason why he was able to do this is equally plain; it is this: that his heart always beat for the honor of England, [cheers,] and his mind comprehended, his experience embraced, the whole field of the interests of the country, and he was, therefore, capable of applying that knowledge to the consideration of those interests whatever emergencies might arise. [Cheers.] But if that loss has been one grievous to the country, to none has it been more grievous than to those—I speak for all my colleagues and for myself—who were accustomed, day by day, to consult him on all the affairs of the country, and to be guided by the light which he could throw upon every subject in which the interests of the country were engaged. My Lord Mayor, upon the melancholy intelligence of the decease of Lord Palmerston her Majesty was pleased to call upon me to fulfil the functions of first lord of the treasury, and to carry on the government of the country. It was her Majesty's undoubted prerogative so to call upon me; and, in my opinion, I should have been a craven coward if I had not answered that call. [Cheers.] What was necessary, however, in the first place, was that I should obtain the assurance of the support and confidence of my colleagues, and that, I am proud to say, I at once obtained, accompanied with circumstances which I cannot mention at this time, but which, if I could mention, would show you the disinterested spirit in which men in their high situations looked at their duties to the country. [Cheers.] Well, it is happily at this time we take the guidance of public affairs, during a period of peace. This very month it is now fifty years since the treaty of peace was signed with France. That peace has been fruitful in benefits, but in none more than in the last few years have our relations with France been so extended and strengthened; so that we may hope and trust that for another fifty years these two nations, having learnt to esteem one another's great qualities in war, will proceed together in peace, always becoming more friendly, more united, than they have hitherto been. [Cheers.] For the last few years, on occasions like the present, we have had to lament the civil war which devastated the United States of America. That war is happily now at an end; and that great republic, having freed herself from the guilt and stain of slavery, I trust will now continue in freedom and prosperity for years and centuries to come. [Cheers.] Such, at least, I believe is the wish of Englishmen. [Cheers.] I believe there are none but friendly feelings entertained towards that mighty republic. [Cheers.] But, my Lord Mayor and gentlemen, reverting to the situation of her Majesty's government, while it is far from my wish to call for any premature expression of confidence, I trust I may appeal against premature declarations of want of confidence. [Cheers.] I think that behooves the justice and the generosity of Englishmen, and that justice I expect from them; [cheers;] that placed in an arduous position, with the loss of a great statesman to deplore, they will allow us at least to consider of the course we should take and of the measures we should pursue before they express any opinion of our conduct. [Cheers.] With regard to principles, I can only say, my Lord Mayor, that, for myself, I cannot abandon those principles which for twenty years, come weal, come woe, recommended me to the confidence of the citizens of this great metropolis. I shall always reflect with pride on the connexion that existed between us. I shall not, for my part, forget the old acquaintances which I then made, nor shall I forget the principles I then declared to the people of this great city, and which they sanctioned with their approbation. [Cheers.] But, my lord and gentlemen, that is another part of practical politics. Besides the principles that are to be adopted, there is the application of those principles, which is a question always of events and circumstances, of time and of opportunity. It would be rash and unwarrantable in me were I now to enter upon any question as to the measures which the government may think proper to introduce. I will only say this—that they must be measures not of yesterday, but of today; that each year has its own wants; the country has, from time to time, its own wishes; and it is the duty of the government of the country to consider those wants and those wishes in the measures that they may bring forward for the consideration of Parliament. [Cheers.] With these observations I have only to say further that, devoting ourselves to the consideration of the course we shall pursue, we shall be content to abide by the verdict of the country. If our measures are wise and calculated to promote the interests of the country, we shall be proud to receive its confidence; but if they are found not so calculated, we shall bow to the judgment of the country with respect. [Cheers.] I have only further to say that I rejoice, my Lord Mayor, to see you in the distinguished position which you have attained by the

zealous exertion of your abilities. I am happy to congratulate you upon the rank you have achieved in presiding over this great city as Lord Mayor, and I confidently call on this company to join with me in proposing 'the health of the right honorable the Lord Mayor." [Loud cheers.]

SPEECH OF MR. GLADSTONE, CHANCELLOR OF THE EXCHEQUER.

MY LORD MAYOR, MY LORDS, LADIES, AND GENTLEMEN: I deem it a high honor to be called upon in any place, and especially before this great assembly, to return thanks for the House of Commons. At the present moment, indeed, it is not under the most favorable circumstances that any one can speak for what the Lord Mayor has justly called that august assembly; for, recently chosen to the exercise of their duties, the members of that house have as yet had no opportunity of proving how far they are disposed, or how far they are able, to serve their country. And more than this, the losses that have been spoken of have fallen heavily upon the House of Commons. The archer Death, I may truly say, has stricken down the foremost deer of all the herd. [Cheers.] If Lord Palmerston is lamented in every corner of the land, in no place, probably, will his loss be so severely felt, in no place will it be so difficult, in no place must so long a time elapse before any one can be found to emulate his remarkable qualities as within the walls of the House of Commons. [Cheers.] But, my lords, ladies, and gentlemen, notwithstanding that heavy loss, and notwithstanding the unproven state of the character of the House of Commons, I am sure, from the manner in which you have received the toast so kindly and flatteringly proposed, that you have faith in the destinies of that house. [Cheers.] The very name of the House of Commons is sufficient to draw forth expressions of enthusiastic approbation and confidence in all parts of this country, and certainly most of all in the city of London, which has ever sympathized with the House of Commons in its efforts to establish upon a secure basis the laws and liberties of the people, and which, perhaps, has been only second to that house as being itself the champion of their freedom and their rights. [Cheers.] My Lord Mayor, the House of Commons meets, indeed, sorely maimed as far as its personal composition and the conduct of affairs by that house is concerned, but it meets in other respects with favorable prospects before it. My noble friend at the head of the government has alluded to those prospects, and they are such, I think, as to afford promise that, like its predecessors, this house may be able to establish, not a traditional only, but an actual title to your confidence and approbation. If we look abroad at this moment, whether it be to the west or whether to the east, we see countries for every one of which we desire prosperity, strength, and happiness, with unmixed regard and friendship, and if it should chance, at any unfortunate period, that danger should arise to the peace of the world, at least we may feel a confident expectation of this—that from England it will not arise, because, happily, she has no separate object. She has no selfish interests to pursue. She has enough, and more than enough, to do in cultivating the provinces which the counsels of Providence have already assigned to her, and in discharging the cares of empire already incumbent upon her. [Cheers.] And if we look for a moment at home, the new House of Commons, in approaching its duties, will have every encouragement to their manful performance, for they will see around them a community increasingly united from year to year in sentiment and feeling throughout all its classes, ever ready to second the efforts of those who govern and those who represent it, never prone to exact too much at their hands, always making allowance for error and infirmity, always generous and indulgent in acknowledging service which has been done. [Cheers.] The House of Commons which has to meet, I have no doubt, will, like those that preceded it, be inspired by what I might almost call the sacred genius of the place itself. [Cheers.] It will be guided by the long-established traditions of Parliament. It will be influenced by the enlightened opinion of the country. It will proceed in a spirit of cheerfulness and in a spirit of justice to the discharge of its elevated duties; and well, my Lord Mayor, do I feel assured that when, in future years, your successors in that chair (and there will be none more worthy than yourself) [cheers] shall again propose to the acceptance of the citizens of London the health of the present House of Commons, you will then be able to accord as a tribute of gratitude what to-day you have generously accorded as a tribute of hope; for that house will surely, like those that preceded it, have done something to carry forward the work of public progress and improvement, and establish itself in the affections by promoting the welfare of the country. [Loud cheers.]

Mr. Seward to Mr. Adams.

No. 1583.] DEPARTMENT OF STATE,
Washington, November 13, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 27th of October, which is accompanied by a copy of a note addressed by you to Earl Rus-

sell on the 21st of that month, presenting, in conformity with instructions received from this department, the views of this government in regard to the depredations committed by the Shenandoah, and, at the same time, acquainting his lordship that proper reparation is expected from the government of her Britannic Majesty by your own; a copy of Earl Russell's note in acknowledgment of yours is also transmitted.

Your proceedings as thus presented are entitled to special commendation, and are fully approved by this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1585.] DEPARTMENT OF STATE,
Washington, November 14, 1855.

SIR: I transmit herewith for your information a copy of a despatch of the 30th of September last, No. 26, and of its enclosures, received by this department from the United States commercial agent at Antigua, relative to the proceedings of the British government in regard to the Shenandoah.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Enclosure.]

Mr. Galody to Mr. Seward.

No. 26.] UNITED STATES COMMERCIAL AGENCY,
Antigua, September 30, 1865.

SIR: I beg to enclose for your information a copy of a letter of the 16th of August, from the British foreign to the colonial office, London, suggesting that the Shenandoah ought to be stopped. I also enclose a circular dated September 7, 1865, from Mr. Cardwell to the governor of this island, ordering her detention in case of her arrival, and to enforce obedience by force if necessary. The letters referred to in both documents I had the honor to transmit to you with my despatch No. 20, of August 3.

I have the honor to be, sir, your most obedient servant,

M. GALODY,
United States Commercial Agent.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Letter of Mr. James Murray, under-secretary of British foreign office, to the under-secretary of state of the colonial office, London.

FOREIGN OFFICE, *August* 16, 1865.

SIR: I am directed by Earl Russell to state to you, for the information of Mr. Secretary Cardwell, that reports have reached her Majesty's government, from Washington, that the Shenandoah has continued her depredations, although informed that General Lee has sur-

rendered, and the war was virtually over. In these circumstances Lord Russell wishes to suggest to Mr. Cardwell whether it would not be right to refuse the Shenandoah the facilities for disarming, notified in my letter of June 2, which were not strictly conformable to international law, but considered due to the honor and good faith of her Majesty's government. In such case, if Mr. Cardwell concurs, it will be proper to direct the governors of our Australian colonies, the Cape of Good Hope, &c., to detain the Shenandoah in any British port, in order to await the result of any claim or demand which may be made in due course of law.

I am, &c.,

JAMES MURRAY.

The UNDER-SECRETARY OF STATE, *Colonial Office.*

Circular from British colonial office to all colonial authorities.

[Circular.]

DOWNING STREET, *September* 7, 1865.

SIR: With reference to my circular instructions of the 3d of June last, accompanied by a letter from the foreign office dated the 2d of June, relative to the treatment of confederate cruisers, I have the honor to transmit to you a further letter from the foreign office.

It is the desire of her Majesty's government that the Shenandoah should be detained in any British port she may enter. If she should arrive in a port of your colony, you will notify to her commander that it is incumbent on him to deliver up the vessel and her armament to the colonial authorities, in order to be dealt with as may be ordered by her Majesty's government. You will detain the vessel by force if necessary, supposing that you have on the spot a sufficient force to command obedience; and, at all events, you will prohibit any supplies of any description to the vessel, so as to give her no facilities whatever for going to sea. You will of course convey to the commander of the Shenandoah the letter sent to you for that purpose in my circular despatch of the 12th of July.

I have, &c.,

EDWARD CARDWELL.

Governor HILL, C. B., &c., *Antigua.*

[Papers above referred to.]

No. 1.

Mr. Bullock to the Commander of the Shenandoah.

LIVERPOOL, *June* 19, 1865.

SIR: On the 9th day of April last General Lee was forced to evacuate the lines of Petersburg and Richmond, after three days of continuous and sanguinary battle, and on the 14th of the same month, being surrounded by overwhelming numbers, he surrendered the remnant of his army to General Grant, only, however, when its last ration had been consumed, and its military supplies were entirely exhausted. This event has been followed consecutively by the surrender of Generals Johnston and Taylor, commanding all the Confederate States troops east of the Mississippi, and of General Kirby Smith, the commander-in-chief of the trans-Mississippi department.

President Davis, Vice President Stephens, and several members of the confederate cabinet, have been arrested, and are now held as close prisoners by the United States government. President Johnson has formally declared the war to be at an end, and has removed all restrictions on foreign commerce by reopening the southern ports to general trade. Furthermore, the European powers have withdrawn the recognition of belligerent rights accorded by them to the Confederate States in 1861, and have forbidden the entry of vessels bearing the Confederate States flag into their ports for any purpose of repair or supply.

I have discussed the above circumstances fully with the Hon. James M. Mason, the diplomatic representative of the Confederate States in England, and, in accordance with his opinion and advice, I hereby direct you to desist from any further destruction of United States property upon the high seas, and from all offensive operations against the citizens of that country. Ignorance of the present condition of the Shenandoah, and of the point at which this letter may reach you, renders it impossible to give specific instructions in regard to the disposal of the ship; but you can refer to a letter in your possession, dated October, 1864, for

advice on that point. Your first duty will be to take care of the *personnel* of your command, and to pay off and discharge the crew, with due regard to their safety and the facilities for returning to their respective homes.

The orders issued by the maritime powers with regard to the treatment of Confederate States ships hereafter, indicate that you will be allowed to enter any port for the *bona fide* purpose of disarming and dismantling the Shenandoah, and that, under such circumstances, you would enjoy the protection of the laws—so far, at least, as the individual safety of yourself and the officers and men of your command are concerned.

If you have sufficient money to pay off your crew in full, direct the paymaster to take receipts from each man, which shall expressly waive all further claim against yourself, or any representative of the Confederate States, or other emolument. If you have not money enough to pay off in full, and cannot negotiate a bill on England, pay to the extent of your funds, and give each man an order on yourself, payable at Liverpool, for the balance due to him, and come here to settle your accounts.

The terms of a proclamation lately issued by the President of the United States are such as to exclude most of the officers of your command from the privilege of returning at once to their original homes, and I would advise all of you to come to Europe, or to await elsewhere the further development of events in the United States, before venturing to go to any part of that country, or the Confederate States.

Circumstances you will readily understand, and the force of which you will appreciate, compel me to be brief and general in these instructions, and you will therefore exercise your discretion in arranging all details.

I shall remain in Liverpool for an indefinite time, and you can communicate with me at my usual address.

I am, &c., &c., &c.,

JAMES D. BULLOCK.

Lieut. Com'g JAMES J. WADDELL,
Confederate States Ship Shenandoah.

[274.]

No. 2.

Mr. Mason to Earl Russell.

28 GROVE STREET, LEAMINGTON, *June* 20, 1865.

MY LORD: It being considered important and right in the present condition of the Confederate States of America to arrest further proceedings at sea in the war against the United States, those having authority to do so in Europe desire as speedily as practicable to communicate with the Shenandoah, the only remaining confederate ship in commission, in order to terminate her cruise.

Having no means of doing this in the distant seas where that ship is presumed now to be, I venture to inquire of your lordship whether it will be agreeable to the government of her Majesty to allow this to be done through the British consuls at ports where the ship may be expected.

I have the honor to enclose herewith a copy of the order it is proposed to transmit, and will be obliged if your lordship will cause me to be informed whether, upon sending such orders unsealed to the foreign office, they can be sent through the proper channels to the consuls or other representatives of her Majesty at the points indicated, to be by them transmitted, when opportunity admits, to the officer in command of the Shenandoah. These points are Nagasaki in Japan, Shanghai, and the Sandwich islands.

I trust that your lordship will, from the exigency of the occasion, pardon the liberty I have ventured to take, and will oblige me by having the enclosed copy returned to me.

I am, &c.,

J. M. MASON.

EARL RUSSELL, K. G., *&c., &c.*

No. 3.

Mr. Hammond to Mr. Mason.

FOREIGN OFFICE, *June* 22, 1865.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 20th instant, enclosing a copy of a letter which you are desirous of having forwarded to the commander of the Shenandoah through her Majesty's representatives and consuls at the Sandwich islands, Nagasaki and Shanghai; and I am to state to you in reply, that his lordship

has no objection to sending this letter to the places mentioned, and also to her Majesty's colonial and naval authorities, it being always distinctly understood that the Shenandoah will be dealt with in the courts if claimed, according to law.

I am, &c.,

E. HAMMOND.

J. M. MASON, Esq.

Mr. Cardwell's circular to all British colonial authorities.

[Circular.]

DOWNING STREET, *July* 12, 1865.

SIR: I have the honor to transmit to you a copy of a letter to the commander of the cruiser Shenandoah. I also enclose a copy of a letter in which Mr. Mason requested Earl Russell's permission to forward the above-mentioned communication to the care of the British authorities at any place where the Shenandoah was likely to call, together with the copy of the answer returned to Mr. Mason by Earl Russell's direction.

If the Shenandoah should happen to appear within the limits of your government, you will communicate to her commander a copy of the enclosed papers. A spare copy is sent to you for the purpose.

I have the honor &c.,

EDWARD CARDWELL.

To Governor ———.

Mr. Seward to Mr. Adams.

[Enclosure]

No. 1586.] DEPARTMENT OF STATE,
Washington, November 15, 1865.

SIR: I transmit herewith a copy of a communication, without date, which I have just received from Mr. Hibbard, arbitrator of the mixed court at Sierra Leone, giving his views as to the most effectual and beneficent manner of suppressing the African slave trade. I will thank you to submit a copy thereof to the consideration of her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Hibbard to Mr. Seward.

SIR: I have the honor to report my restoration to health, and consequent return to Sierra Leone, the seat of my official duties.

There has been no seizure or trial here before the "mixed courts" of vessels engaged in the slave trade since the condemnation of the Spanish ship America on the 25th of August, 1864. The net proceeds of her demolished hull and cargo amounted to £1,068 6*s.* 4½*d.*

With regard to the slave trade, the most economical, speedy, and beneficent mode of suppressing it is clearly by negotiation with the native tribes, as suggested in our report to the Department of State, bearing date the 21st day of February, 1864, to which report I would most earnestly and respectfully call attention, that immediate action may be taken by the government of the United States, in conjunction with England and Liberia, to open negotiations with the tribes and nationalities of Africa, introducing among them agriculture, together with the several trades and arts, essential to a civil state of society.

That it is the duty of civil governments to redeem from savage life barbaric nations is a principle long since settled by the people of the United States, incorporated in their policy, enlightened as beneficent, and carried into practice by her laws and government.

The civilization of Africa is and must be the work of nations. No societies, combinations of societies, or individual efforts, can do it. United national action alone can insure success. France and England now have large commercial interests with Africa. The consumption in

Africa of American products is large, and yet Africa, vast and rich, is at this moment nearly unknown. Our knowledge of Africa is confined to a small line of sea-coast.

Wars, savage, cruel, and destructive, are still waged by the natives and petty tribes for conquest, plunder, and the capture of prisoners to be sold into slavery. Since June last a tract of country twenty miles inland, one hundred and twenty miles along the coast line, and one hundred miles interiorly along the Menicourre, Founcariah, and Berreerie rivers, has been the scene of these savage wars. The number of towns burned and totally destroyed cannot be stated by the best informed, but were said to be too numerous to mention; more than 700 lives have been sacrificed, 5,000 prisoners taken and sold into slavery; many of the trading factories along these rivers have been plundered and burned—about £30,000 of European property destroyed. Thousands of men, women, and children who fled from towns and took refuge in the bush are supposed to have starved to death. The trade of these rivers, exporting annually heretofore over £200,000 of native products, is entirely suspended, if not destroyed. This trade is at all times confined to a narrow strip of territory bordering the sea. Interior nations are not permitted to exchange their products with Europeans, or approach the coast for purposes of trade, *or any other purpose.* The power of England, as at present exerted, does not give adequate protection even to the traders of their own country along the coast. Wars are still waged; are now being carried on for the purpose of capturing slaves, to be sold to the foreign trader. These vessels have been captured and tried before the vice-admiral court here within the past years: The Melvina *alias* Charles, seized by her Britannic Majesty's ship Dart, August, 1864, and condemned; the Ricardo Schmidt, seized in this port in August, 1864, and restored; a schooner, name unknown, seized December, 1864, by her Britannic Majesty's ship Pandora and destroyed at sea.

The 5,000 prisoners captured in the wars now waging within twenty miles of Sierra Leone have or will undoubtedly seek a foreign market.

Sierra Leone cannot strictly be termed a British colony, except in its government, its populace being purely African, and mostly recaptured slaves. It has been subject to British rule for some seventy years, and yet the plough has never been introduced, and is now not known or used. The inhabitants are as ignorant of all the arts known to civilized societies as the Bush people, except a few who have been taught to read and write by the missionaries. The white trader remains only for trade; intending soon to leave. He refuses to do anything for the permanent good of the black race. Of course no amelioration of the slave trade or of the present condition of African civilization in the present mode of action can be anticipated or hoped for. A thousand years may elapse with the appliances of civilization now at work, and Africa would remain the same, as little known and as savage as she now is; her great wealth undeveloped; her great territory unexplored. The combined negotiation and action of nations, I again express, can alone rescue Africa from her present savage state, or plant civil institutions upon her soil.

I have the honor to be, Mr. Secretary of State, your obedient and humble servant,

T. R. HIBBARD,
Arbitrator Mixed Courts.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1589.] DEPARTMENT OF STATE,
Washington, November 15, 1865.

SIR: Your despatch of the 25th of May last, No. 966, together with its accompanying copy of a note addressed to you by Earl Russell, relative to the steamer Tallahassee, has been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1590.] DEPARTMENT OF STATE,
Washington, November 15, 1865.

SIR: I have received your despatch of the 2d of June last, No. 973, which is accompanied by a copy of the correspondence between yourself and Earl Rus-

sell on the occasion of communicating to his lordship a copy of the President's proclamation of the 10th of May in regard to insurgent cruisers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1591.] DEPARTMENT OF STATE,
Washington, November 15, 1865.

SIR: Your despatch of the 2d of June, No. 974, transmitting a number of addresses, resolutions, &c., on the assassination of the late President, has been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1592.] DEPARTMENT OF STATE,
Washington, November 15, 1865.

SIR: I have the honor to acknowledge the receipt in due season of your despatch of June 2, No. 977.

Events which have since occurred have superseded the necessity of a special reply.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 1090.] LEGATION OF THE UNITED STATES,
London, November 15, 1865.

SIR: Lord Russell has been in some haste to print the remainder of the correspondence between us, which he has done in a supplement to the Gazette of the 11th instant, a copy of which is herewith transmitted.

I have not yet had time to complete the copy of my reply, which will, I trust, put an end to the historical portion of the discussion. His lordship appears now content to rest his case upon an argument *ad hominem*, in which he shelters himself under American authority. This would not have been thought of by a British statesman of half a century since. The question now takes another turn, subject to specific instructions from which I shall not move.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[The enclosures are printed with previous despatches in their proper order.]

Mr. Adams to Mr. Seward.

No. 1091.] LEGATION OF THE UNITED STATES,
London, November 15, 1865.

SIR: I have the honor to transmit a copy of a note addressed to me by Lord Clarendon, on the 11th instant, in answer to mine of the 7th, requesting the surrender of the Shenandoah, and some form of penal treatment of her crew. I append a copy of my reply.

The policy of the government, so far as I can judge from the tone of certain newspapers in their confidence, is to denounce the commander in unmeasured language, and at the same time evade the trouble of any more active measures against him.

The question has immediately arisen, what is best to be done with the vessel. Her remaining at Liverpool, under charge of the consul for the length of time necessary to get instructions, will be hazardous and expensive. Under these circumstances, Mr. Dudley has proposed to me to send her over at once to New York, under the care of certain persons in whom he appears to have entire confidence. I have so far consented to this arrangement as to authorize him to take the necessary measures, provided he can be reasonably certain of the responsibility and capacity of the people whom he will employ. I am not quite sure whether this will be the course most satisfactory to the government. But upon such emergencies, and at this distance, it sometimes happens that the minister must assume responsibilities, or else the hazard of refusing to take them. I know not which horn of the dilemma is the more unpleasant. On many accounts I incline to the opinion that it is best to get the vessel away from this kingdom at all events.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Clarendon to Mr. Adams, November 11, 1865.
2. Waddell to Lord Russell, November 6, 1865.
3. Mr. Adams to Lord Clarendon, November 14, 1865.

Earl Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 11, 1865.

SIR: I have the honor to state to you, in reply to your letter of the 7th instant, that it appears by a communication from the board of admiralty that the Shenandoah was, on the 10th instant, delivered up by the senior naval officer at Liverpool to the United States consul at that port, with everything on board of her, the consul being also furnished with the inventories of her stores, &c., as received by the naval authorities from the late commander of the vessel.

With regard to the officers and crew of the Shenandoah, I have the honor to state to you, that on the arrival of the vessel at Liverpool it was ascertained that three bad cases of scurvy were on board of her, and that a number of men had symptoms of that disease; and it was therefore necessary that measures should immediately be taken for disposing of the officers and crew.

I need scarcely observe to you that any proceedings against persons in their situation, as indeed is the case with all other persons in this country, must be founded on some definite charge of an offence cognizable by British law, and must be supported by proper legal evidence; and that in the absence of such charge, duly supported by evidence, her Majesty's government could not assume or exercise the power of keeping any of them under any kind of restraint.

Her Majesty's government were not in possession of any evidence which could be produced before any court or magistrate, for the purpose of controverting the statement made to them by the commander of the Shenandoah in the letter of which I enclose a copy, or for the purpose of showing that the crime of piracy had in fact been committed by the vessel.

It only remained, therefore, to ascertain whether any of the parties were British subjects; and if so, whether any sufficient evidence could be obtained against them to warrant a prosecution on a charge of violating the provisions of the foreign enlistment act, by taking part in hostilities on board the vessel.

Accordingly, the board of admiralty were instructed by the secretary of state for the home department to cause the necessary inquiry to be instituted in regard to the presence on board of persons of the last-mentioned class, and if evidence could be obtained against any of them, to cause them to be detained and taken before a magistrate, and to allow the rest to go free.

In pursuance of their instructions, the senior naval officer at Liverpool at once proceeded on board the Shenandoah, and having mustered the crew, he reports himself to have been "fully satisfied that they were all foreigners, and that these were known to be British-born subjects on board;" whereupon they were all landed, with their effects.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

CLARENDON.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Captain Waddell to Earl Russell.

[With Lord Clarendon's note of the 11th of November, 1865, to Mr. Adams.]

STEAMER SHENANDOAH, *November* 6, 1865.

MY LORD: I have the honor to announce to your lordship my arrival in the waters of the Mersey with this vessel, lately a ship-of-war under my command, belonging to the Confederate States of America.

The singular position in which I find myself placed, and the absence of all precedents on the subject, will, I trust, induce your lordship to pardon a hasty reference to a few facts connected with the cruise lately made by this ship.

I commissioned the ship in October, 1864, under orders from the naval department of the Confederate States; and in pursuance of the same, commenced actively cruising against the enemy's commerce. My orders directed me to visit certain seas in preference to others; in obedience thereto, I found myself in May, June and July of this year in the Okhotsk sea and Arctic ocean; both places, if not quite isolated, are still so far removed from the ordinary channels of commerce, that months would elapse before any news could reach there as to the progress or termination of the American war. In consequence of this awkward circumstance, I was engaged in the Arctic ocean in acts of war as late as the 28th day of June, in ignorance of the serious reverses sustained by our arms in the field, and the obliteration of the government under whose authority I had been acting.

This intelligence I received for the first time on communicating at sea, on the 2d of August, with the British bark Barracouta, of Liverpool, fourteen days from San Francisco.

Your lordship can imagine my surprise at the receipt of such intelligence, and I would have given to it little consideration if an Englishman's opinion did not confirm the war news, though from an enemy's port. I desisted instantly from further acts of war, and determined to suspend further action until I had communicated with a European port, where I could learn if that intelligence were true. It would not have been intelligent in me to convey this vessel to an American port for surrender, simply because the master of the Barracouta had said the "war was ended." I was in an embarrassing position; I diligently examined all the law-writers at my command, searching a precedent for my guidance in the future control, management, and final disposal of the vessel. I could find none. History is, I believe, without a parallel.

Finding the authority questionable under which I considered this vessel a ship-of-war, I immediately discontinued cruising, and shaped my course for the Atlantic ocean.

As to the ship's disposal, I do not consider that I have any right to destroy her, or any further right to command her; on the contrary, I think that as all the property of the confederate government has reverted by the fortune of war to the government of the United States of North America, that therefore this vessel, inasmuch as it was the property of the Confederate States, should accompany the other property already reverted. I therefore sought this port as a suitable one wherein "to learn the news," and, if I am without a government, to sur-

render the ship, with her battery, small-arms, machinery, stores, tackle, and apparel complete, to her Majesty's government for such disposition as in its wisdom should be deemed proper.

I have the honor, &c.,

JAMES J. WADDELL, *Commander.*

EARL RUSSELL, *&c.*

Mr. Adams to Earl Clarendon.

LEGATION OF THE UNITED STATES,
London, November 14, 1865.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 11th instant, announcing to me the fact that the Shenandoah had been delivered up, by order of the board of admiralty, to the United States consul at Liverpool, together with all her stores, &c., as received from her late commander. I had already received the same intelligence from the consul who has taken charge of her under my instructions. I entertain no doubt that the promptness of this proceeding will give great satisfaction to my government.

But I cannot affect to conceal my disappointment at the manner in which her Majesty's government have decided to treat the persons who have been engaged in the nefarious transactions perpetrated in that vessel, and especially the chief, a copy of whose letter was received with your lordship's note.

A narration of but a portion of these outrages it has already been my duty to submit to your consideration in a series of voluminous papers, the character of which it is impossible to forget.

I shall carefully abstain from any unauthorized word of mine which might tend to make a situation, already much too grave, still more serious. A copy of your lordship's letter, together with its enclosure, shall be transmitted by the earliest opportunity to my government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL CLARENDON, *&c.*

Mr. Seward to Mr. Adams.

[Extract.]

No. 1593.] DEPARTMENT OF STATE,
Washington, November 16, 1865.

SIR: In recurring, as I am now for the first time able to do, to communications which were received in the early portion of the summer, but which were left unattended to by reason of my illness, I fall back upon your despatch of the 2d of June, No. 975.

When I saw the trans-Atlantic announcement of that period that new demands had been made in an intemperate manner by this government upon her Majesty's government for claims arising out of the depredations of the Alabama, I was at no loss for the explanation which your despatch afterwards conveyed to me. It is now a matter not only of curiosity but of amusement to observe how imperfectly the condition of affairs then existing in this country was understood in European political circles.

* * * * * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 1596] DEPARTMENT OF STATE,
Washington, November 20, 1865.

SIR: I enclose herewith a copy of a despatch of the 23d of September, received by this department from Mr. Savage, the vice-consul general of the United States at Havana, relative to the reported landing of an expedition of African negroes at Ensenada de Cochinos, and at a place called Gato.

You will be pleased to make known the contents of this paper to her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London.*

No. 139.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, September 23, 1865.

SIR: Your despatch No. 67 was duly received. In reply to that part of it directing me to procure some probable evidence to sustain the representations made in my despatch No. 127, in reference to the reported landing of an expedition of negroes at Ensenada de Cochinos, I have the honor to say, that the report in question having been communicated by me to her Britannic Majesty's consul general, he called the attention of the captain general to the same, by whom a thorough investigation was ordered, the result of which was that the said landing never took place. I have endeavored to obtain from the parties who gave me the information the proof of their assertions, but they merely answer me that they obtained it from others, whom they supposed to know the facts. In the absence of evidence, and after the investigation made by order of the captain general, we must, at least for the present, believe that the report was unfounded.

A small expedition of African negroes was landed a few days since at a place called Gato, adjacent to the districts of San Cristobal and Rinar del Rio, (south side of Cuba,) from a small sloop. It is believed it did not exceed 160 in number, of whom 103 have been captured; the rest must have been run into the woods; but the captain general, whose unceasing efforts to put an end to the nefarious traffic are truly worthy of all praise, is confident that, notwithstanding the difficulty to be met with, owing to the character of that part of the country, (the Cuzco mountains,) they will be found and taken. The associate justice of the superior court (Rellijero de Lama) has proceeded to the spot, for the purpose of initiating the necessary legal proceedings. It is understood that these negroes are tall and strong; of a tribe that has never been brought to the island, as the authorities cannot find any negroes that understand their language. One person has been arrested who is believed to be concerned in the expedition, and orders have issued for the arrest of two others for the same reason.

The captain general has information of other expeditions being under way from Africa, and taken his measures for their capture

The orders from the supreme government for the suppression of the slave trade, lately received, are very stringent, and General Dulce will carry them out to the letter.

I am, sir, with great respect, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Hon. H. N. CONGAR,
Acting Assistant Secretary of State, Washington.

Mr. Seward to Mr. Adams.

No. 1597.] DEPARTMENT OF STATE,
Washington, November 20, 1865.

SIR: I transmit herewith, for the information of her Majesty's government, a copy of a despatch of the 4th instant from our vice-consul general at Havana, relative to an expedition of African negroes recently landed on the coast of Cuba.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Savage to Mr. Seward.

No. 146.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, November 4, 1865.

SIR: Information was brought to me confidentially some days since that an expedition of about 600 negroes from Africa had been landed at a place called Malas Aguas, near the sugar plantation San de Azucar, of Don Francisco Marty y Torrens,* and that this person was the owner of the cargo. The brig Yucatan (about which I wrote to the department months ago) is believed to be the vessel that brought the negroes, (of the *Macua* tribe;) the landing was effected very quietly. I immediately conveyed the information to Mr. Bunch, the British consul general, who had only the day before had a long interview with the captain general, and heard nothing from his excellency upon the subject. As these reports are often circulated, sometimes founded on fact, but almost invariably not reducible to proof, Mr. Bunch and myself concluded to await for further developments before bringing the case to the knowledge of our respective governments, or his addressing any communication to the captain general. Some days after the matter became one of some notoriety, and some correspondence passed between General Dulce and Mr. Bunch, which I have seen. It is very evident that the captain general believes that an expedition was landed somewhere, and had given very strict orders for the capture thereof.

In conclusion I have to state, that I learned last evening that about 400 negroes were found and captured at Consolacion del Sud, by the lieutenant governor of the district. The capture was made twice; the first time they were placed in a pen, from which they were stolen during the night, but they were again discovered and secured.

I have the honor to be, sir, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Hon. WILLIAM H. SEWARD.
Secretary of State, Washington.

N. B.—An association has been formed under the special sanction and protection of General Dulce, the members of which pledge themselves not to acquire, directly or indirectly, any negro slave known to be a *native* of Africa, and to do all in their power to form or mould public opinion against the African slave trade. One of the most distinguished lawyers of Havana, Doctor Antonio Gonzales de Mendoza, connected by marriage with one of the most wealthy, intelligent, and moral families of the island, has been elected president of the society. The 19th of the present month (the Queen's Patroness Saint's day) has been fixed for the inauguration and other proceedings. Many influential gentlemen have already inscribed their names as members.

With great respect,

THOMAS SAVAGE,
Vice-Consul General.

Mr. Seward to Mr. Adams.

No 1605.] DEPARTMENT OF STATE,
Washington, November 25, 1865.

SIR: Your despatch of the 10th of November, No. 1082, has been received. It gives us information of the unexpected arrival of the Shenandoah in the port of Liverpool, of an informal conversation which you held with Lord Clarendon on that subject, of your guarded request by note in writing for her delivery to this government, with the cautious suggestions you made in the same note to his lordship concerning the restoration of the spoils found on board the vessel, and the interest which the United States must feel in bringing to condign punishment her officers and crew.

The despatch also brings authentic though unofficial information that the Shenandoah has been delivered to our consul at Liverpool; a copy of the note referred to is appended to your despatch, and also a copy of a vague note written in reply to your note by Lord Clarendon.

I observe that Lord Clarendon, in his reply, promises that in a future communication he will give immediate attention to the points which were made in your before mentioned note. It seems not only becoming upon considerations of

* A sort of petty king in that part of the island, owing to his immense fishery business.

courtesy, but also important in reference to the gravity of the occasion, to reserve an examination of these new proceedings of her Majesty's government in regard to the Shenandoah until we shall have been favored with the exposition which Lord Clarendon promises. I confine myself, therefore, to a consideration of your own proceedings in the matter, as made known to us by your despatch; we learn from the United States consul at Liverpool that these proceedings were taken in concurrence with his advice.

Such is the President's confidence in your tried and proved discretion, that he does not hesitate at once to acknowledge himself completely satisfied with your proceeding requesting the surrender of the vessel. This point being settled, I take great pleasure in saying that the terms in which that request was made are deemed proper and judicious.

Waiting further developments in regard to the whole matter, I remain, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1606.] DEPARTMENT OF STATE,
Washington, November 27, 1865.

Sir: Your despatch of the 9th instant, No. 1080, has been received. I thank you for giving me the valuable information concerning British politics which it contains.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS Esq., &c., &c., &c.,

Mr. Seward to Mr. Adams.

No. 1607.] DEPARTMENT OF STATE,
Washington, November 27, 1865.

SIR: Your despatch of the 9th instant, No. 1081, transmitting a copy of Earl Russell's last note to you in regard to the claims against Great Britain, growing out of the depredations on our commerce, and printed copies of memoranda, one of which relates to your representations to the British government concerning breaches of neutrality during the civil war, the others relative to the measures of coercion adopted by Great Britain during her contest with the North American colonies, and also regarding the policy of foreign powers, have been received.

I wait for your promised copy of your note to Lord Clarendon.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1608.] DEPARTMENT OF STATE,
Washington, November 28, 1865.

SIR: I have received your despatch of the 10th instant, No. 1085, transmitting a report of the speeches of Earl Russell and Mr. Gladstone at the lord mayor's dinner, for which I give you my thanks.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c., *London.*

Mr. Seward to Mr. Adams.

No. 1609.] DEPARTMENT OF STATE,
Washington, November 28, 1865.

SIR: I transmit for your information a copy of a note which I yesterday* addressed to Sir Frederick Bruce, concerning vessels owned by rebels.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c., London.*

Mr. Seward to Mr. Adams.

No. 1611.] DEPARTMENT OF STATE,
Washington, December 1, 1865.

SIR: I have to acknowledge the receipt of your despatch of the 15th of November, No. 1090. It is accompanied by a printed copy of a supplemental correspondence upon the subject of claims for the depredations of the British cruisers upon unarmed naval commerce of the United States. I await the reply to Lord Russell's communication which you have promised to make; when a copy of that reply shall have been received, we shall be in possession of the entire argument.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c., London.*

Mr. Seward to Mr. Adams.

No. 1612.] DEPARTMENT OF STATE,
Washington, November 30, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch of November 15, No. 1091. It is accompanied by several interesting papers:

First. A copy of a note which Lord Clarendon addressed to you on the 11th instant, in execution of his promise to communicate more fully concerning the surrender of the Shenandoah and the disposition of the pirates to be made by her Majesty's government.

Secondly. A copy of a note which appears to have been addressed to Earl Russell on the 6th November instant, by one James J. Waddell, who describes himself as being the commander of what he calls the confederate ship Shenandoah, but which we certainly know to be the British registered ship Sea King. Waddell, in his communication, reports that the brig has now returned to the port of Liverpool, and there placed herself and crew under the protection of her Majesty's government, having at length desisted from a destructive career which she pursued indefatigably for a period of about ten months, during which, as we well know, he derived all his men and material of war, supplies and provisions from home and colonial ports within the British empire, in opposition to the earnest and continuous protest of the agents of the United States.

Thirdly. Your reply acknowledging the receipt of the note of Lord Clarendon. I lose no time in giving you the views of the President concerning the

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* See correspondence with the British legation, current series.

papers which have thus been brought to his consideration, and the subjects to which they relate.

First. Among those subjects is the delivery of the Shenandoah, by direction of her Majesty's government, to the agents of the United States. We accept the vessel, but I regret to say that the acceptance is not attended with any sense of satisfaction on the part of this government. It would have gratified the President if her Majesty's government had caused proceedings to be instituted for the condemnation of the Shenandoah. The course, however, which the British government has heretofore pursued in regard to our applications for justice was such as to discourage, on our part, an expectation of such a disposition of the vessel. We accept her now, simply and exclusively, upon the prudential consideration that, being reduced into our possession, she will not again depart from the British waters in a hostile character.

Secondly. The United States cannot but ask the serious attention of her Majesty's government to the facts of the case as they bear upon the discharge of the offender Waddell and his accomplices. After having exposed himself and them to prosecution for piracy in the ports of every civilized nation, he impertinently and indecently, as it would seem to us, placed himself and his associates under the protection of her Majesty's government, under circumstances which, as they are viewed by this government, are calculated to render a judicial investigation necessary for the safety and welfare of an injured and friendly nation. The United States think that they might well have promptly called upon her Majesty's government to surrender the offenders as fugitives from justice, to be brought within the jurisdiction of the United States and punished here for their flagrant crimes. The United States, however, were not at liberty, consistently with their self-respect, to pursue that course. They could not but recall the fact that in recent cases of the Chesapeake, and J. L. Gerety, or Eureka, applications of that character made by the United States were denied by the judicial authority of Great Britain, approved by the executive government, on the ground that the offence of piracy on the high seas was properly cognizable in her Majesty's courts of the realm, and therefore that the offenders were not lawful subjects of extradition to a foreign government. It therefore only remained to the United States to ask her Majesty's government themselves to take the measures which seemed to be required for the discharge of obligations to the United States and the vindication of public justice. This suggestion was made by you to Lord Clarendon in what seems to us to have been a very respectful and becoming manner. The result which followed was the discharge and unconditional enlargement of the offenders from custody, upon two grounds, first, that her Majesty's government have in their possession no evidence to impeach a prevaricating plea of the commander. This position was assumed when every part of the unlawful transaction complained of had occurred either in British ports or on the decks of the Shenandoah, herself a British vessel, and when all those transactions had been fully made known to her Majesty's government, and when any parties who could give the necessary testimony for the conviction of the pirates were not only within British jurisdiction, but actually within custody of agents of her Majesty's government. The other ground which is assigned for the enlargement of the offenders is, that none of them were subjects of Great Britain. Whereas, upon evidence which seems to this government entirely conclusive, all the offenders were either native subjects of the Queen, or had become, by some sufficient form of refuge or domiciliation, amenable, equally with native subjects, to the penal laws of the realm.

The United States regret that they are unable to draw from these proceedings any other inference than the painful one that her Majesty's government have assumed to hold guiltless of all crime subjects of her Majesty who have, in a time of profound peace, waged naval war upon the high seas against unarmed citizens of the United States engaged in lawful commerce and navigation.

As a protest against these proceedings, you will read this despatch to Lord Clarendon, and leave with him a copy, if desired.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 1616.] DEPARTMENT OF STATE,
Washington, December 2, 1865.

SIR: You will receive herewith a copy of a despatch of the 27th ultimo, No. 115, from Anson Burlingame, esq., our minister accredited to the government of China, and of the translation of a note of the 11th of February last from Prince Kung, which accompanied it.

It was my pleasing duty in the mouth of February, 1864, by instruction No. 839, to bring to your knowledge the important and friendly proceedings of the honorable Sir Frederick W. A. Bruce, then her Britannic Majesty's envoy in China, concerning the disposition of the vessels known in our correspondence as the Osborne flotilla, and which you informed me in your despatch of the 26th of February, 1864, No. 606, you had in conversation with Earl Russell brought to his lordship's notice.

From the papers which I have now the pleasure of communicating to you, you will perceive that Sir Frederick Bruce, animated by the same just and generous spirit which distinguished his conduct during his sojourn in China, proposes to recommend to her Majesty's government a prompt and satisfactory adjustment of the question of the disposition of the vessels, and the compensation of the Chinese government therefor, in accordance with the plan therein indicated.

I will thank you to express to Lord Clarendon, her Majesty's principal secretary of state for foreign affairs, the entire satisfaction of the United States with the course pursued by Sir Frederick in reference to this matter, and in his relations with us here, and to inform his lordship that it would be agreeable to this government if the views thus to be presented should find favor with those of her Majesty.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c. &c., *London.*

Mr. Burlingame to Mr. Seward.

No. 115.] WASHINGTON, *November* 27, 1865.

SIR: I have the honor to enclose a note handed to me, on behalf of Prince Kung, by Tung Suim and Hangki, members of the Foreign Office of China. It relates to the "Osborne flotilla," and my connexion therewith. I ascertained in London that the British government would take the vessels and pay for them as soon as an appropriation could be made. I was requested by the British authorities to consult with Sir Frederick Bruce, now the British minister here, to the end that he might advise his government in the interests of justice. I have seen Sir Frederick, who, I am happy to say, is prepared to aid the Chinese and to urge his government to at once close the business according to their wishes.

This proposed action on his part is but a continuation of that spirit of amity which led him, in the interests of peace, to send the flotilla to England, and will be appreciated by you.

I have the honor to be, sir, your obedient servant,

ANSON BURLINGAME.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Prince Kung and others to Mr. Burlingame.

[Note handed to the United States minister on the 11th of February, 1865, by Tung Suim and Hangki, members of the Foreign Office.]

We beg to address your excellency respecting the sale of those steamers:

Last year you and the British minister, Sir Frederick Bruce, made an excellent arrangement for us respecting the disposition of Captain Osborne's flotilla, according to which he was to take the vessels back to England, dispose of them there, and remit the proceeds to China; and both myself and all the members of the Foreign Office were deeply grateful for the friendly disposition and great assistance rendered us in arranging this affair so that we could then place the details on the records of the board of revenue. We also reported the whole of the circumstances to the throne, and received directions to arrange it in that way.

However, more than a year has now elapsed since that was done; and when Sir Frederick Bruce left here, on his return to England last summer, we personally requested him to devise some way on his arrival by which the whole business could be soon closed. In September last Mr. Wade officially informed us that owing to war then existing in the west it was not unlikely that some delay would arise in selling the vessels, owing to an apprehension that some of the belligerents might get them. We replied, that if the British government would take them for their own use one-fifth, would be deducted, and we enclosed an account corresponding with this proposition. He answered that he could not himself make any final arrangement respecting them, but as soon as the directions of his government respecting them were received he would inform us.

As no intimations concerning this matter had been received in November last, we wrote to Sir Frederick himself, urging him to arrange it as soon as he could, and confided the letter to Mr. Wade to translate and forward. As nothing has been hitherto received from Sir Frederick about the sale of the vessels and remittance of the proceeds—as we had expected—we are left in a state of anxious uncertainty concerning them. We are well aware that he and your excellency made the most suitable and satisfactory arrangement at the time for their disposal, and we all, both myself and colleagues in the Foreign Office, have entire confidence in your honor; but as the affair is connected with the revenue of the country, as long as it remains unsettled so long are we responsible for the issue.

Knowing that you both then so willingly agreed as to the proper mode of action, we therefore do not hesitate to write your excellency this note upon the subject. As soon as you can ascertain the present value of these steamers, and [or] when their proceeds will be remitted to China, we shall be very much pleased to receive your answer, and thereby relieved from our present suspense.

We avail ourselves of this opportunity to present our compliments and best wishes for your happiness.

Card of PRINCE KUNG,
With those of PANYUN,
WANSIANG,
TSUNGLUN,
TUNG SUIM,
KANGKI,
SICH HWAN.

His Excellency A. BURLINGAME.

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